



3 1761 11968297 9















Digitized by the Internet Archive  
in 2023 with funding from  
University of Toronto

<https://archive.org/details/31761119682979>





CA20N  
X1  
-D23

Government  
Publications

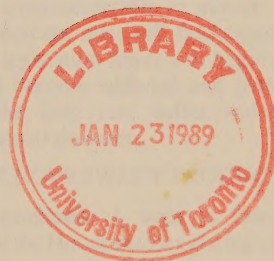
No. 130

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
**Monday, January 16, 1989**



**Speaker: Honourable Hugh A. Edighoffer**  
**Clerk of the House: Claude L. DesRosiers**

Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan



### CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, January 16, 1989

The House met at 1:30 p.m.

Prayers.

## VISITORS

**Mr. Speaker:** Before we commence the proceedings, I would ask all members of the Legislative Assembly to recognize in the Speaker's gallery the ambassador of Italy to Canada, His Excellency Valerio Brigante Colonna, and also the consul general of Italy in Toronto, Dr. Gianluigi Lajolo. We also have a delegation of members of the fifth commission of the Italian Chamber of Deputies. The vice-president of the commission and head of the delegation is Luigi Castagnola.

Please join me in welcoming our guests today.

## LEGISLATIVE PAGES

**Mr. Speaker:** I would also like all members to join me in welcoming the group of legislative pages who will serve in this, the first session of the 34th Parliament, 1989. They are:

Cristina Alfano, Lawrence; Peter Aylan-Parker, Brant-Haldimand; Adam Cota, Durham East; Michael Godwin, Victoria-Haliburton; Melanie Hartley, Wentworth East; John Korczak, Norfolk; Leila Kumpula, Northumberland; Jessica Mark, Durham Centre; Richard Martin, Cornwall; Bonnie McNiven, Simcoe East; Jocelyn Mundell, Algoma; Karen Murtaugh, Sarnia; Nadija Paznar, Mississauga South; Julie Shouldice, Ottawa West; Robin Shulman, Brantford; Fiona Sillars, Etobicoke West; Rose Spencer, Durham West; Kevin Tribe, Halton North; Benjamin Wagner, Middlesex; Christopher Wilier, London South; Aaron Williams, Brampton South; Matthew Wohlgenut, Frontenac-Addington; Peter Yoo, Simcoe Centre, and Renata Zoretich, Mississauga West.

Please join me in welcoming this group of pages.

## VISITOR

**Mr. Speaker:** I would also call to the attention of the members of the House the fact that we have a visitor at the table, Janet Summers, clerk of committees and clerk at the table of the Legislative Assembly of Manitoba, who is

visiting us under the attachment program in the Clerk's office. Please join me in welcoming her.

## MEMBERS' STATEMENTS

### SALE OF CIGARETTES TO MINORS

**Mr. Allen:** This week is National Nonsmoking Week, with an emphasis on tobacco use among minors.

Studies show that 92 per cent of smokers first smoke by the age of 16 and that the average starting age of smokers has dropped in 20 years from 16 to 12. Of teenagers who smoke more than one or two cigarettes a day, 85 per cent, it has been claimed, will escalate to a lifestyle of regular smoking.

Our teenagers are thus the critical clientele for tobacco companies, despite their protestations that they focus only on adults. Our teens are victims in the making, eventual candidates for the cancer, heart and lung diseases that lead to the 35,000 premature deaths annually due to smoking in Canada.

For the vast majority of young smokers, stores remain the source of their cigarettes. Present legislation is clearly inadequate and stronger measures are necessary to reduce easy access by minors to cigarettes.

I will therefore shortly be introducing a private member's bill to require the licensing of retailers for tobacco sales, with revocation of licences upon proof of sales to minors. The bill will also prohibit the location of cigarette vending machines in areas accessible to minors. A determined adolescent may still find cigarettes, but with such legislation fewer will begin smoking, fewer will become addicted and fewer people will, in the long run, suffer and die from tobacco-caused diseases.

### MICROBREWERY PRODUCTS

**Mr. Runciman:** I want to bring to the attention of the House another glaring example of the Liberal government's failure to support small business. In this instance, it is the discriminatory policies of the Liquor Control Board of Ontario with regard to promoting the sale of domestic beer brewed by microbreweries.

I cite the example of Upper Canada Brewing Co., a small business enterprise that requires the



assistance of the LCBO to promote the sale of its products. Upper Canada is available at LCBO outlets, but for the average customer the beer is not necessarily easy to find. Often Upper Canada products are given inferior shelf space in the stores. You may find cases of Upper Canada in a back corner or against a wall.

As well, the price labelling on the microbrewery product includes a deposit. That is not the case for imported beer. This leaves the customer with the mistaken impression that the Ontario product is more expensive than it actually is.

Rather than continue to discriminate against Ontario microbreweries in this way, the Minister of Consumer and Commercial Relations (Mr. Wrye) should direct the LCBO to change its ways and promote the sale of domestic products. LCBO prices on microbrewery products should clearly display the fact that the price includes a deposit. Also, microbrewery products should be displayed with imports or on comparable shelf space.

The policy of the LCBO should be to promote the sale of domestic beer, as it now does for foreign products. A level playing field would greatly assist these Ontario small businesses. Microbreweries are not requesting favouritism. Rather, they simply want the LCBO to give them the same opportunity to sell their premium products as is granted to foreign breweries.

GILBERT, ALBERT AND MARCEL  
VANKERREBROECK

**Mr. Tatham:** The Oxford County Land Saver Award is presented annually to a person or persons who, through example and/or encouragement, help to preserve and conserve Oxford county's finest natural resource, our land.

The Land Saver Award for 1988 was recently presented to three Norwich men, Gilbert, Albert and Marcel Vankerrebroeck of Remi Vankerrebroeck Farms Ltd. The family tobacco, corn and bean crop operation boasts a number of conservation features. The use of well-maintained tree windbreaks on the sandy tobacco ground controls wind erosion. They have also developed a successful residue management program for their field crops, centred on mulch tillage in corn, and a no-till system for soybeans.

If we take care of the land, the land will take care of us. Congratulations to our Ontario farmers who look after the land.

#### POLICE SHOOTING

**Mr. D. S. Cooke:** Today I will be tabling a petition signed by approximately 1,700 people

calling for a full public inquiry into the death of Bernard Bastien.

There has been widespread unhappiness in our community with the way in which the Solicitor General (Mrs. Smith) has handled this issue. When Mr. Bastien was shot and killed, the confidence of our community in the police was badly shaken and has continued to be shaken because of the very incompetent way the Solicitor General has bungled this issue.

1340

The Speaker will know that just recently the coroner's jury has been reappointed. While there will be a change in the coroner, the jury will remain the same as the coroner's inquest continues. There will be no public inquiry. There will simply be an inquiry by the Ontario Police Commission. The minister has completely bungled this issue and has done nothing to restore confidence in the police.

I must say that none of the other local members of the Legislature has commented on this issue. I think that had the other local members participated in this debate and made recommendations for a full public inquiry, that could have been achieved. If we are to restore confidence in the police system in our region of the province, the only way that will be achieved is through a full public inquiry. It is not too late. I encourage the minister to do that.

#### HOSPITAL SERVICES

**Mrs. Marland:** Just over a week ago I had a telephone plea from a constituent of mine who has had his heart surgery cancelled eight times over the last few months. This gentleman's wife was so afraid for her husband's life that I wrote the Minister of Health (Mrs. Caplan) that day asking that his surgery not be delayed again. However, it was delayed the following day.

On January 13, a week later, the minister responded. I must tell members how disappointed and concerned I am about her response. First, the minister indicated that this gentleman's heart surgery was elective and at the present time only urgent and emergency patients are being treated. It is very interesting to note that the Health minister is saying that there are now three waiting lists for heart patients. Second, the minister advised me that should my constituent's condition change, he should notify his doctor. If we knew when we were going to have a heart attack, we would all check ourselves into the hospital prior to that often fatal event. Third, the minister assured me that the independent investigators



reviewing the hospital scheduling would solve future problems.

We know what the problems are. They do not need investigating. We have heart patients scheduled for surgery because they need it. It is not cosmetic. The health care system is failing. In the first place, if we have to have waiting lists, can we be a little more considerate of the patients who are on those lists, rather than telling them to notify their doctor if there is a change in their condition?

#### FRED TROUGHTON

**Mr. Offer:** It is an honour to rise in the House today in order to recognize the accomplishments of Fred Troughton. Mr. Troughton has been named the 1988 Systems Professional of the Year by the Toronto chapter of the Association for Systems Management. He is the immediate past-president of the Mississauga Board of Trade.

In a growing city like Mississauga, the local board of trade provides a very important function. My city is one of the fastest growing in Canada and I am proud to say that its business community is a dynamic and significant part of Mississauga's success. Not only does the board of trade provide seminars and information on businesses and government-related programs for the community, it also hosts a monthly cable show, provides regular forums with distinguished guests and examines issues and legislation from all levels of government in order to assess any potential impact on the city.

It is no wonder that Mr. Troughton has served the Mississauga Board of Trade in the capacity of president. His community service spans many years and, perhaps most important, he has served with dedication and enthusiasm. For example, with more than 20 years of active involvement with the Toronto Association for Systems Management, Mr. Troughton has served twice as president. He is currently an international director serving Division 10, which includes all chapters in Ontario with the exception of Ottawa.

I hope members will join with me in congratulating Mr. Troughton on this very special recognition award.

#### REACTIONS TO VACCINES

**Mr. Hampton:** This week I learned of another young child in my constituency who has suffered injuries since being vaccinated with the diphtheria, polio, tetanus and pertussis vaccine. The child's injuries may be lifelong and irreversible. I think everyone would admit such a situation is

very sad, but this young child is not alone. There are many more children across Ontario who are seriously damaged by the DPTP vaccine.

Our society as a whole benefits from the administration of these vaccines. It dramatically reduces the incidence of serious diseases. The question is, however, who assists these young children? Lawsuits are far too often very expensive and also too often unfruitful. When will the government act to bring in a no-fault system to cover the injuries and lifelong damage these children suffer? The time is long past for action.

**Mr. Speaker:** That completes the allotted time for members' statements.

There are quite a number of private conversations. It makes it somewhat difficult to hear the proceedings.

**Mr. Velshi:** I have a statement.

**Mr. Speaker:** On what?

**Mr. Velshi:** I request unanimous consent to recognize Martin Luther King's birthday.

**Mr. Speaker:** Is there unanimous consent?

Agreed to.

#### MARTIN LUTHER KING

**Mr. Velshi:** I rise today to acknowledge a day of significance for all those who hold human and civil rights close to their hearts. As people throughout the world continue their struggle for equality for all, we commemorate the birthday of Dr. Martin Luther King, Jr. Had Dr. King's life not been ended so tragically, it would have been his 60th birthday.

Martinsday is set aside to encourage us all to think of the principles that guided the life of Martin Luther King, Jr. It is a holiday in the United States, but the ideas that Dr. King stood for know no boundary.

In one of his most famous speeches, Dr. King spoke of a dream that he had, a dream that the time would come when people "will not be judged by the colour of their skin, but by the content of their character." It is a dream that was not realized in his lifetime, but it is one we should all strive to achieve.

Dr. King shared the fundamental beliefs of other civil rights leaders, including Mahatma Gandhi. The goal of these advocates continues to inspire the quest for equal treatment and basic human rights for all. Perhaps the best way to pay tribute to Dr. King is for all of us to reaffirm our commitment to making his dream a reality.

**Mr. Cousens:** On behalf of my party, I, too, would like to pay tribute to a remarkable man, a

man whose quest for justice and equality symbolized a commitment to humanity that remains alive to this day. Dr. Martin Luther King, Jr. would have been 60 years old yesterday had his life not been taken so abruptly and tragically on April 4, 1968. Yet the memory of his dedication and actions in his battle against racism is as vivid now as it was 20 years ago.

Today the United States celebrates Dr. King's birthday and we in this Legislature should join with our neighbours in commemorating the spirit of his dream. This province has been a leader in the pursuit of a just and harmonious society. For all of our varied backgrounds, we have learned to act as a community, as a multicultural society where different people, different beliefs and different cultures live and work together. Our society is not without problems. We are not perfect, but I truly believe that we are working each day to dispel the evils of racial disharmony.

As we have seen the events of the last week, with the incidents that are making the headlines of the newspapers, and as we view the reaction of many, many people, it is time for us, once again, to remember the message that Dr. King had for all of us. In his statement and in his speech at the civil rights march on Washington in August 1963 he said, "I have a dream that my four little children will one day live in a nation where they will not be judged by the colour of their skin, but by the content of their character." That can be our dream. That has to be our goal; that has to be our aim.

I call on each and every one of us here today to renew that commitment. May we continue to take pride in our community and in our respect for our fellow men and fellow women and children, and may we continue a dream that has not lost its meaning.

**Mr. B. Rae:** We pay tribute today to a citizen of the United States who, in the course of his life, became in a very true sense a citizen of the world. I think it is ironic that some 20 years after an assassin's bullet cut him down, all of us in this country, and indeed around the world, are beginning to appreciate the force and power of the life of Dr. Martin Luther King.

### 1350

Let us not forget, as we commemorate his remarkable life and the tragedy of his death at the age of 39, that in the ideals for which he fought Dr. King was a controversial man in his own lifetime. He was someone who fought hard for the things he believed in and who was vilified and criticized by those in authority. He was jailed for

his beliefs and he was regarded by a great many, as he lived, as a controversial and difficult man.

Let us remember that through the years and ages, there has been one message that has come from Dr. King. It is a message, of course, of justice. It is a message of the relationship between social and economic justice. He was a great spokesman on behalf of social democracy and economic democracy in the United States.

But more than any of those things, he was a spokesman for the power of love and for the force of love in the affairs of mankind in trying to give meaning to those words in his life and his beliefs in the creation of a very different kind of society in the United States.

As other members have done, I would like to close my comments on the really quite remarkable life and contribution of Dr. Martin Luther King to world peace and world justice, through an understanding of the relations between people of different colours and backgrounds and races and economic status, with some of the words he used in what is no doubt his most famous speech, the speech he gave on the steps of the Lincoln Memorial on August 28, 1963, when he said:

"I have a dream today!

"I have a dream that one day 'every valley shall be exalted and every hill and mountain made low. The rough places will be made plain and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.'

"This is our hope.

"And when this happens, and when we allow freedom to ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and gentiles, Protestants and Catholics will be able to join hands and sing in the words of the old Negro spiritual: 'Free at last. Thank God Almighty, we are free at last.'

### VISITOR

**Mr. Speaker:** I have just been informed that we also have a visitor in the lower west gallery, a federal member of Parliament, Patrick Boyer. Please welcome Mr. Boyer.

### STATEMENTS BY THE MINISTRY

#### SERVICES COLLÉGIAUX EN FRANÇAIS

#### FRENCH-LANGUAGE COLLEGE SERVICES

**L'hon. Mme McLeod:** Jeudi passé, j'ai eu l'honneur de signer une entente avec le secrétaire d'État, l'honorable Lucien Bouchard.



It is my pleasure today to share with the House details of the agreement reached last week between Ontario and the government of Canada.

An eight-year, cost-sharing agreement will provide for the expansion of French-language programming and services in Ontario's college system. Included is the establishment of a French-language college in the Ottawa area by 1990, with new facilities expected to open by 1992.

French-language college services will also be enhanced in northern and central-southwestern Ontario. That will come after study and consultation with the francophone community in each region to determine the requirements and the most effective means of delivery.

The federal government has agreed to pay up to \$50 million over eight years out of the official languages in education protocol. The Ministry of Colleges and Universities will match that amount from its own funds previously committed in 1987 to French-language programming.

The board of governors of the new college in Ottawa will be nominated in the near future.

I believe this project will greatly assist the sociocultural environment and development of the francophone community in Ontario. I expect the outcome will be greater participation by francophones in post-secondary education. Our latest figures show about 2,800 francophones studying in college French and bilingual programs in Ontario. Seventeen hundred of them study in Ottawa.

I am very pleased the federal government is able to assist us in providing Ontarians with increased opportunities for post-secondary education in the French language. This initiative is in keeping with the spirit of Ontario's French Language Services Act.

#### PAY EQUITY

**Hon. Mr. Sorbara:** As Minister of Labour, Minister without Portfolio responsible for women's issues and minister responsible for the Pay Equity Commission, I am tabling later today the report of the Ontario pay equity office dealing with predominantly female sectors of the economy.

As those who were in this House when the Pay Equity Act was passed in 1987 know, the act mandated the pay equity office to conduct a study into and make recommendations on the issue of how to implement pay equity in those sectors of the economy where there were too few, if any, male jobs upon which to base the value

comparisons needed to redress gender-based discrimination in wage-setting.

Without these comparisons, women are not able to share in the benefits of the Ontario pay equity legislation. That situation was addressed by an amendment to the legislation requiring the pay equity office to make a report to the minister responsible, setting out its recommendations.

In the report I am tabling today, the pay equity office has identified five options which could be taken in order to redress the conundrum of no male comparator jobs. They are reducing the percentage threshold of job class, changing the definition of establishment, proportional comparisons, proxy comparisons, and average adjustments.

The pay equity office has asked that it be given time to explore the ramifications of each of these five options and return to this government with its final recommendations for the public sector no later than year-end 1989 and for the private sector no later than year-end 1990.

The pay equity office has also recognized that narrowing the current 36 per cent wage gap will require moving beyond pay equity per se, since pay equity only addresses between one quarter and one third of the wage gap. The office has also commented on further measures to deal with such issues as the confinement of women to low-wage job ghettos and the disproportionately large number of women working at the minimum wage.

Consequently, in a second set of recommendations, the pay equity office has also recommended changes in the Employment Standards Act, enhanced government commitment to employment equity, and increased government funding in some of the predominantly female sectors of the economy.

I want to thank the pay equity office for its thoughtful report on a very complex matter. I also want to take this opportunity to acknowledge the work of the office in the other important areas of its responsibility.

By this time next year, some 6,500 public sector employers will have posted pay equity plans. Payouts will have begun for an estimated 480,000 employees. By 1995, the last date for starting wage adjustments, about 60,000 employers in total, both public and private, will be making or will have made pay equity adjustments for up to an estimated 1,715,000 women employees under the requirements of the legislation.

It is the responsibility of the pay equity office to provide assistance, information, education

and generally lead the way through this very fundamental change in the way the work traditionally done by women is valued in this province.

The pay equity office has published a series of implementation guidelines for the legislation. It has undertaken a public education campaign that has involved speaking engagements, a seminar program and a telephone hotline service. It has developed a comprehensive training course which has been adopted by every community college in Ontario. To date, the pay equity office has trained some 100 community college instructors to teach the course in their respective colleges. It has produced numerous information publications, including videos and educational exercises.

In addition, and very important, the commissioner has asked several distinguished Ontarians, representing employer and employee perspectives, as well as the Equal Pay Coalition, to serve on the commissioner's Pay Equity Advisory Council. The role of the council is to give the pay equity office tough, reality-rooted feedback on its activities and on the course of implementation.

In preparing this report, the pay equity office has recognized not just the complexity of this issue, but also that we are breaking new ground in trying to come to grips with it. This speaks to the enormous challenge that faces us in finding workable, equitable and effective solutions in the absence of any precedents whatsoever.

#### 1400

At the same time, I am very mindful of the need to move expeditiously towards concrete solutions to this important problem. Therefore, I will be attaching a great priority to my consideration of the recommendations in the report.

The government, through this legislation, has already made a strong commitment to extending the benefits of pay equity to Ontario women. We want to ensure we continue to realize in the province very real and very significant progress in eliminating discriminatory pay practices for Ontario women.

This report is an important piece of work with far-reaching implications for the women of Ontario and for employer, employee and union groups.

Finally, I want to inform the Legislature that I am making this report available to all members, the media, the public and other interested parties. The report will also be available in French very shortly.

Before I close, I want to acknowledge the presence in the gallery of the pay equity commissioner, Dr. George Podrebarac, and a number of senior officials from the Pay Equity Commission.

#### DRIVER EXAMINATIONS

**Hon. Mr. Conway:** On behalf of my colleague the Minister of Transportation (Mr. Fulton), I would like to announce that the Ontario Ministry of Transportation has expanded service at selected driver examination centres in Ontario.

Saturday driver testing is in response to the large increase in demand for road tests by the public over the past year.

In the greater Toronto area, the John Rhodes Driver Examination Centre in Brampton, the Toronto East centre in Scarborough and the Oshawa centre in Oshawa will soon be open on Saturdays for class G—general—driver exams.

In northern Ontario, the driver examination centres in Sault Ste. Marie, Thunder Bay and Dryden will be open on Saturdays for all classes of driver licence testing.

This new initiative will increase the number of openings for all classes of driver's licences and will help to reduce the waiting time for these tests, particularly in the Metropolitan Toronto area.

The Ministry of Transportation recommends that anyone who wants further information about this additional opening for road testing opportunities should contact his local driver examination centre for more details.

#### RESPONSES

##### SERVICES COLLÉGIAUX EN FRANÇAIS

**M. Allen:** C'est avec grand plaisir que nous apprenons, de la ministre des Collèges et Universités, qu'une entente a été conclue entre le présent gouvernement et le gouvernement du Canada, entente visant à l'établissement, ici en Ontario, d'un collège francophone homogène, qui sera situé à Ottawa. Je constate également avec plaisir la croissance, partout en Ontario, des services collégiaux en français.

C'est une mesure très importante et même cruciale pour le développement et l'épanouissement de la culture franco-ontarienne, mesure que la communauté francophone et notre parti demandent depuis longtemps.

Mon collègue de Scarborough-Ouest (M. R. F. Johnston), et moi-même en tant qu'ancien critique de l'éducation et des affaires universitaires et collégiales, demandons depuis longtemps que ce projet soit mis sur pied. Nous savons qu'au



niveau des études secondaires, la jeunesse franco-ontarienne a grandement augmenté sa participation. Mais il reste un problème de participation au niveau postsecondaire, particulièrement dans les collèges et universités.

C'est donc pour ces raisons qu'il était très important que la ministre ait proposé ce développement et qu'elle ait conclu une entente avec le gouvernement fédéral.

Mes félicitations à la ministre et à la communauté franco-ontarienne.

### PAY EQUITY

**Mr. B. Rae:** I want to comment on the statement made by the Minister of Labour (Mr. Sorbara) today in presenting this report of the Pay Equity Commission on low pay and on women working in occupations for which it is, under the current law, not possible to make any comparisons.

One thing the minister did not mention, and I think it is an important fact, is that 1.7 million women are covered by the government's legislation and that of this 1.7 million more than half, that is to say 867,000 according to the Pay Equity Commission's own numbers, are not covered by this legislation because there are no groups with which they can be readily compared because they work in occupations that are dominated by women.

I might point out to the minister that during the passage of this bill, my colleague Evelyn Gigantes pointed out time and again that there was nothing in this legislation that dealt in detail and in any specifics with the challenge of paying a decent wage to those hundreds of thousands of women who are locked into low-paying jobs. The very best we could get out of the minister's colleague the Attorney General (Mr. Scott) was this study, of which we now have a copy, from the Pay Equity Commission.

Apart from telling us that there is indeed a problem, which we knew anyway, and apart from telling us that these women are to be found in several areas of the economy, which we knew anyway—child care, health care, community and social services, libraries and so on—we did not need a year for the Pay Equity Commission and from this government to tell us that women who work in child care are underpaid and that women who work in child care work in female-dominated professions.

What we wanted from this government this year was a strategy that would deal with breaking down the ghettos and making sure women start to get some justice in the workplace, which the bill

does not give them, which the law does not give them and which this approach does not give them.

What does the government tell us? What the minister has announced today is that it is going to take as long as two years from today for the Pay Equity Commission to even present us with recommendations on what is going to be done for these hundreds of thousands of women working in the private sector.

Knowing that this government moves at a speed somewhere between a snail and a tortoise, even when pushed on issues, we know full well what that two-year delay means. It means we are going to have no justice from this government dealing with those women who are locked into areas of our economy. This government has done nothing. It shows that the pay equity bill is inadequate. It shows that we were right when we said that two years ago. It shows how miserably inadequate the government's achievements to date have been on behalf of women who are locked into these low-paid ghettos.

### SERVICES COLLÉGIAUX EN FRANÇAIS

**M. Villeneuve:** Il me fait plaisir de dire «Bravo» à la ministre des Collèges et Universités pour sa déclaration au sujet de la mise sur pied d'un collège francophone dans la région d'Ottawa.

Il reste cependant un petit vide dans des régions comme Cornwall, le Nord de l'Ontario, ainsi que le Sud-Ouest de la province, qui ne sont pas encore desservies par un collège francophone.

Par contre, il faut demeurer vigilant pour que nos Franco-ontariens aient toujours l'occasion, ici en Ontario, de s'exprimer et de travailler efficacement dans les deux langues officielles.

J'aurais aimé voir une étude sur les effets que le collège francophone d'Ottawa aura sur les régions comme Cornwall. Irons-nous chercher certains de nos étudiants francophones dans ces régions-là, pour avoir ensuite à faire face à une réduction dans le nombre de cours qui seront donnés en français dans les collèges dits «bilingues» en ce moment?

Au nom de la francophonie ontarienne, je dis encore: «Bravo et merci».

### DRIVER EXAMINATIONS

**Mr. Cousens:** There are three points I would like to make on the statement that has been made for the Minister of Transportation (Mr. Fulton). First, from our party, I hope the minister is



recovering. I understand he has not been well and we certainly wish him a speedy recovery.

Now I deteriorate. The next point I would like to make is this: Where is the service for eastern Ontario? Where is the service for greater Metro? Here he is proving—

Interjections.

**Mr. Cousens:** I know how it is. If he were here, I would have gone right into it.

The fact of the matter is that he has not begun to address the concerns of the member for Ottawa South (Mr. McGuinty) who was talking about so much the minister is doing in the Ottawa area, yet there is nothing here to make him go home and be proud, nor is there anything here for the eastern part of Ontario or greater Metro. Come on, minister. He should get back here and do more than what he really says he is doing.

The third point: Here he is, announcing more driver training programs. What I would like to see the Minister of Transportation do in addition to that is provide some more roads. We are going to put more people on the roads. We are going to have that many more cars out there. Why not start doing something about the roads that we need around here? Highway 407 could be built a lot faster; let's get on with the job. The job does not just involve coming out with a great big announcement from the ministry that has the resources to do something about the infrastructure around the greater Metro area and for all of Ontario.

1410

Instead of doing anything about the roads, they announce a few more people to teach drivers. We are going to fill the roads more and more. Let's get back to the basics and do what we need, which is to build, construct and repair; to get the roads so that they are in order, so that these new drivers have some place to drive.

#### PAY EQUITY

**Mr. Sterling:** I would like to respond to the tabling of the report by the Minister of Labour (Mr. Sorbara). First I would like to congratulate Dr. Podrebarac for undertaking a very difficult task. We have to understand that Dr. Podrebarac, as chairman of the Pay Equity Commission is working, I imagine, with very few instructions from this government.

This act, which was passed in 1987, is an example of this government continually bringing legislation forward which is ill thought out, which has not been canvassed with the communities that it affects, and cannot be implemented. We are now almost three years past the time

when we passed this legislation. This government is only now trying to figure out how to implement the legislation.

We understand that the government wanted to make political points in bringing this legislation forward when it did. We do not condone it going ahead with legislation that is ill thought out and that they have not really worked through in terms of how it affects the people of Ontario, particularly the women of Ontario. We would be most constructive in anything that they would give to a committee of this Legislature to work out details, but let's get on with making the decisions so that the women of Ontario can be protected in the workplace.

#### ORAL QUESTIONS

##### INVESTIGATIONS OF POLICE ACTIVITIES

**Mr. B. Rae:** I would like to address my question to the Attorney General. I wonder if he can tell us why it is that his government has not established a procedure for the investigation of potential wrongdoing or possible criminal wrongdoing by police officers, which is seen and understood by everyone, all people in the community, as genuinely and truly independent. Can he tell us why the government has so far failed to do that, and resisted doing that, and would he not now see the need to do exactly that?

**Hon. Mr. Scott:** The honourable member and I participated only a week ago in a debate in this House designed to expand on an optional basis the Metro Toronto office of the police complaints commissioner to other centres in the province. In the course of that speech, both he and I said that, while not perfect in every way, we agreed on one thing, that the office of the police complaints commissioner in Toronto, which is a civilian complaint organization, had by and large served the public well.

The debate between he and I is whether that should be extended to other parts of Ontario on a mandatory basis or on an optional basis, and I look forward to debating the bill further and voting on it as soon as possible, so that there will be an option for other citizens of the province to have a freestanding civilian complaints process, such as exists in the Metropolitan Toronto area.

**Mr. B. Rae:** After the tragic killing of Bernard Bastien and after the death of Lester Donaldson and the death of Wade Lawson, I suggested publicly, and indeed after the death of Lester Donaldson spoke directly to the Attorney General privately, urging him to make very sure that the process of criminal investigation and prosecution was seen as being completely independent

of both the police and the government. I urged upon him the creation of a special prosecutor, who would be in charge of the investigation from the very beginning, would make a completely independent assessment of whatever evidence was gathered and would then make a decision with respect to the laying of a criminal charge.

I would like to ask the Attorney General whether he does not now see the need in future for a different process, in the sense of a process that is independent of both police and government, when it comes to investigating and indeed possibly prosecuting police officers who may or may not have committed a criminal act in the course of their dealings with their fellow citizens.

**Hon. Mr. Scott:** The honourable member moves from his first subject, which is civilian complaints about police misconduct, to a second and different subject, the desirability of having an independent prosecutor.

I have every reason to believe that we will have occasion to debate this interesting concept further, but I draw to the honourable leader's attention that one of the downsides to what is called independent prosecution is that it is not publicly accountable in an assembly such as this.

The Anglo-American way, by and large, with the deviation of Watergate, which did not follow the Anglo-American tradition, was to leave responsibility for prosecution to a professional staff subject to an Attorney General who would answer publicly for that determination. That is the way it has been done under our system, by and large, for 1,000 years, and if the honourable members will let the trial proceed, we will have a full account of what happened in this case, tried, as it should be, by a jury composed of 12 of our fellow citizens.

**Mr. B. Rae:** I cannot comment, and neither can the Attorney General, on any particular charge that has been laid or has not been laid in any particular investigation, but I say, with respect, to the Attorney General, he knows full well that he has not been the one responsible—at least, that is the answer that he gave last week—for any particular decisions that were made with respect to any of the investigations that took place.

What I am asking him is: When it comes to investigation of the police, of possibly criminal activity by the police, does he not see the merit in having a process of investigation and of prosecution which is independent of the police and independent as well of him and his office? Does he not see the merit in having an independent prosecutor whose task would be to assess the

evidence and make an independent judgement as to whether or not that evidence merited proceeding to trial?

If he does not see the merit of it, I say to him it is going to happen again and again and again until we resolve this question of independence when it comes to prosecution.

**Hon. Mr. Scott:** The member obviously knows that is precisely what we have in this province, with one additional feature. That is to say, there is a legislative officer—myself, as Attorney General—who is accountable in the Legislative Assembly. An independent prosecutor on the American model would have no such accountable feature.

As the honourable member will know, this particular case to which he has referred was investigated by the Ontario Provincial Police, which was the police force in the jurisdiction in which the offence is alleged to have occurred. They made their report on November 30 when the final evidence was collated. The assistant deputy attorney general in charge of criminal law put together a research team of crown law officers which met on December 14, December 20, December 21 and again on January 6 to review the matter in a very thorough and professional way.

On January 9, they came to their conclusion as to the advice they would give to the police and for the first time they told me what that advice was. Within the day, a senior superintendent of the Ontario Provincial Police who had been in charge of the investigative team went before a justice of the peace and said under oath he believed there were reasonable grounds to believe an offence had occurred.

That is the way the Anglo-American system works, always has worked and it is our best protection to assure that fairness will be done to all the players who find themselves in this very difficult and taxing situation. I am not going to allow that to be picked over; it is too important.

**Mr. B. Rae:** It is a curious situation when the Attorney General says he had nothing to do with it, and yet he is the one who wants to answer questions saying he is accountable for it. He cannot have it both ways.

1420

## PAY EQUITY

**Mr. B. Rae:** I would like to ask the Minister of Labour: What specifically does he plan to do now, not in 1990, 1991 or 1992 but now, to deal with the devastating fact which has been revealed by the Pay Equity Commission that roughly half



the women who were supposed to be covered by the law which the Liberal Party produced in the last minority government are not covered by the law, are not protected by the law and their interests are not advanced by the law? What is the minister going to do for those women now?

**Hon. Mr. Sorbara:** I simply suggest to the Leader of the Opposition that before he pretends to have a thorough understanding of what is in this report, which is a very comprehensive and excellent report, he spend a little bit of time with it.

I want to tell him that the issue of compensating, of providing pay equity in predominantly female establishments, is a very complex one. Indeed, there are no precedents in any other jurisdiction in the world. Every other jurisdiction in the world which has legislated pay equity has done it in a way similar to what Ontario did, that is to provide that within the enclosure of a business establishment, in any situation where there is discrimination against women based on the fact that they are women when their jobs were compared to male jobs, that discrimination be eliminated.

What we are attempting to do with the predominantly female establishments report and the recommendations contained in it is something which has not been done before. I think it is a tribute to the parliament that passed this legislation that we required the commission to prepare this report so we could consider this very difficult and complex question.

**Mr. B. Rae:** The minister says that what we are trying to do is something that has never been done before. I can tell him that the problem with this Liberal government is that it has done nothing, which is what it did before. The minister has been sitting on this report for a number of days. He has studied the problem but has presented no action plan to this House at all with respect to equal pay. The report has revealed that roughly over half the women who were supposed to be covered by the bill of the Attorney General (Mr. Scott) in fact are not covered by this legislation.

I have a very specific question again for the minister, who has not answered it once; I will ask him again. What is his action plan in 1989 to help and assist those women locked in job ghettos who have been waiting for years for action? They had to wait a year for this report. Now they have a report which says they will have to wait two more years for more pilot studies. What is the minister going to do to break through this nonsense and

made sure that women are served by their governments when it comes to equal pay?

**Mr. Sorbara:** What I am going to do is the same thing I would suggest the Leader of the Opposition does, that is that we take the report, examine its recommendations very carefully and then consider whether we want to adopt those recommendations.

If the Leader of the Opposition wants to delve into some of the background studies which go behind this report, I would be very pleased to ensure that he gets them as soon as possible. It is a very serious issue; it is a very complex issue.

The commission makes four recommendations with respect to predominantly female establishments and it makes a fifth recommendation dealing with things such as amendments to the Employment Standards Act, new initiatives in the area of employment equity and so on. I can tell the Leader of the Opposition that these are things we have to consider urgently. The Ministry of Labour, and I as minister, are considering those things urgently.

**Mr. B. Rae:** This report has to be considered an incredible disappointment. It simply goes over the ground which was gone over in great detail during the arguments, all the way through 1980, 1981, 1982, before the minister was here. He should ask some of his colleagues. When we were debating equal pay under the Tories, the answer was: "It will come in stages. It will come gradually and slowly."

Women have been waiting for too long. The minister's own leader was saying in 1983-84: "The women of the province have waited long enough. It is time for action." In 1985, we changed governments, we brought in equal pay, and half the women who were supposed to be covered are still not covered by the law which the government said would cover them.

I want to ask the minister specifically what he is going to do on employment standards, minimum wage, making sure the government kicks in its share on low-wage jobs to make sure that women get out of these ghettos? Just what is he going to do now in 1989 to break this for women?

**Hon. Mr. Sorbara:** I simply want to suggest to the Leader of the Opposition that when he has taken time to read the report and he looks at the recommendations, he will probably have a more thorough assessment of the complexities of the predominantly female establishment and finding ways to compare salaries paid in those areas within a pay equity system.

I want to simply tell him that those other issues that he raises are real issues, issues that he knows, I know and all of us in this parliament know we have to confront. We are examining issues relating to employment equity. We are in an exhaustive review of the Employment Standards Act. We are dealing with situations, examining alternatives to deal with situations where women working in cleaning industries are not able to continue in a working pattern because of contracting-out provisions, a number of different things.

**Mr. B. Rae:** You are telling me about that contract?

**Hon. Mr. Sorbara:** I am telling the member that we are working on it and he will see those initiatives presented—

**Mr. B. Rae:** You have been working on it for five years now—contracting out. You have sat by while contractors were out the door.

**Mr. Speaker:** Order.

**Mr. B. Rae:** We told you what to do about that.

**Hon. Mr. Sorbara:** Mr. Speaker, if the Leader of the Opposition wants to stop shouting for a moment—

**Mr. Pouliot:** He is absolutely right. He is frustrated and so are we—

**Mr. Speaker:** Order.

**Hon. Mr. Sorbara:** If he wants to stop shouting for a moment, then maybe I will be able to complete my reply.

The important point to be made today is that finally we have a report which, for the first time, provides us with some options and some models which will bring pay equity to every woman in this province.

**Mr. Speaker:** Thank you.

Interjections.

#### POLICE SHOOTING

**Mr. Sterling:** My question is to the Premier. The Premier will know that yesterday the Metropolitan Toronto Police Association, some 5,500 strong, asked for the resignation of our Attorney General (Mr. Scott) as a result of laying charges against Constable Deviney in the shooting of Lester Donaldson. Their action represents a crisis of the confidence of our people in the integrity of our justice system. That is not only a matter of concern to the government, the Liberal Party, but it is a concern to every member of this Legislature.

I know I speak for my party when I say we will support any action by this government to restore that confidence. Is the Premier going to take any actions to restore confidence when we have had this call for resignation? This is the first time I have ever heard of this particular situation in this province—never before. What is he going to do to restore confidence?

**Hon. Mr. Peterson:** I think the Attorney General can assist the honourable member in the steps the government is taking.

**Hon. Mr. Scott:** The first thing to observe in respect of this case is of course that a man was shot in Toronto in his room in August of this year. He leaves a widow. After a police investigation, a young police constable, who held the gun allegedly, was charged. He has a wife and a young family. I believe the investigation was a thorough one based on the efforts of senior staff of the Ontario Provincial Police and based on the best advice that the crown law office could give.

This is a tragic situation for those two men who faced each other on this terrible occasion, and it is the kind of exercise that has led to a charge in a criminal court. It is in the interests of everybody on all sides to let that process, which is an historic process in which 12 of our citizens weigh the evidence, take place. While we wait for it to take place, there is much to be said about the importance of all of us in trying to do what we can to make relationships for our police and for our racial communities in this city better than they have been, but the trial must be allowed to take place. It would be a major abuse of the criminal justice system if it did not. It would be a major abuse if it was picked over in this Legislature in advance, before it occurs.

In the meantime, leaving it to one side, we have the opportunity, each in our own way, to try to repair this terrible difficulty that has occurred as a result of those unfortunate events in August last summer.

**Mr. Sterling:** The problem here is that everyone in our province is not certain that history is repeating itself with regard to the laying of charges in this particular case. Both the members of the black community and the police community have almost identical questions when they are inquiring about this case. Both want to know why it took five months to lay the charges. Both want to know if the first crown attorney working on the case was the one who recommended that no charges be laid, but others, after, changed that particular decision. Both want to



know why charges were laid just one week prior to the inquest being held.

Can the Attorney General suggest how these questions can be answered and how the justice system can regain its respect in Ontario?

1430

**Hon. Mr. Scott:** I should tell the honourable member, first of all, that all of the authorities—he will be familiar with them—are collected in Professor Edwards's book on the office of the Attorney General and say that at the conclusion of the case the Attorney General in the Legislature is open to any questioning about the process the case has taken, whether a charge should have been laid or whether it should not have been laid.

But under our law, those questions are reserved until the trial is completed, so that we are certain that the trial will take place in the coolest atmosphere without any prospect that the jury will be affected. That is the first point. We must allow that to occur or we do a grave injustice to the system of which we are so proud.

I tried, in answer to the leader's question, to explain the time frame. As I have said, the forensic evidence was available for the first time on November 30. Mr. Meinhardt made a preliminary factual report on December 14. The team that Mr. Hunt and the deputy minister established met on December 20, December 21 and January 6, made its decision on January 9 and reported to me. I am not ashamed that that process was completed as thoroughly and as carefully as possible. I believe that to be the case.

**Mr. Sterling:** The first time the Attorney General addressed the question as to the length of the investigation, we were told it would be completed by September 1 of last year. There are many, many questions to be answered on this. I do not think the Attorney General's standard answer with regard to this particular case is satisfactory.

I believe that one method with which we might be able to have these answers would be to convene the standing committee on administration of justice of this Legislature in an in camera session, and have the crown attorneys and the investigating Ontario Provincial Police come before that committee and answer questions as to whether the process was correct and was followed in accordance with the laws of our province.

**Hon. Mr. Scott:** The honourable member seems to forget that we are going to have a trial. It is always the reaction of those people who have their axes to grind to say, "Let's let the trial go on, but let's call everybody into this chamber or

that chamber and cross-examine them as to what happened."

My friend must not forget that we are going to have a trial in this province and it is going to be conducted, as long as I am Attorney General, as fairly, both to the victims and the accused, as is possible. If there are any political benefits to be achieved by picking over the carrion, that can be done later.

## HOSPITAL SERVICES

**Mr. Eves:** I have a question for the Minister of Health. I am sure the minister is aware that recently the only way an Orillia couple could get their 10-month-old son scheduled for heart surgery was to hire a lawyer who advised them they had legal recourse if surgery were not performed within a prescribed deadline. Their son's surgery was then scheduled immediately.

Is it the minister's idea of a world-class health care system where parents have to hire a lawyer in order for their children to have access to heart surgery?

**Hon. Mrs. Caplan:** We know that over the course of history, as our health system has evolved, there have been times when the system has been underutilized and times when it has been stressed. I know from speaking with ministry officials that, in fact, the situation at the Hospital for Sick Children is no different today than it has been over the course of the many years of its history as one of the finest institutions, and that is that there are occasions when surgery is rescheduled. When it has to do this, it is always extremely concerned for the interests of the child and the family, as no one likes to see surgery having to be rescheduled.

I can assure my honourable friend that in its scheduling practices the physicians always take into consideration the urgency and the need of the patient, and that in those situations surgery is performed on the basis of "as needed."

**Mr. Eves:** Debbie Guillemette of North Bay cannot afford to hire a lawyer to get her four-year-old son's heart surgery scheduled. Her son Casey—I am sure the minister is aware of the case; it was brought out last week—is still waiting for surgery after having been cancelled half an hour before the last time surgery was scheduled.

What is the minister going to do to assure Mrs. Guillemette, and other parents of the other 39 children who had their heart surgery postponed at the Hospital for Sick Children and are on waiting lists for surgery, that their cases are going to be taken care of immediately and when it is necessary?

**Hon. Mrs. Caplan:** The Hospital for Sick Children, as one of the very fine hospital facilities in this province, is a trauma centre for children. Emergency cases and emergency surgery always take precedence, and occasionally—and I would say “occasionally”—it is necessary for the hospital to reschedule elective or non-emergency cases. This is done on the advice of the physicians after they have determined the situation of the particular child.

I am aware of the situation from North Bay and can only say that I wish it was always possible that surgery could be performed at the convenience of parents and children. We always hate when it has to be rescheduled, but it is only done when there is an emergency case that has to be done first.

**Mr. Eves:** I do not think we are talking about convenience here with respect to a lot of these children whose surgery was postponed. We are very aware that Sick Kids is a major paediatric centre for all of Ontario; yet the minister's government decided two years ago to cut back on residency positions, which in turn will cut back on the number of paediatricians and other child-care specialists whom the Hospital for Sick Children so urgently needs.

I think we should get to the root of the problem. We have had the problems identified as a shortage of critical care nurses at the Hospital for Sick Children. We now hear today from the Canadian Medical Association about a shortage of paediatricians in Ontario, and specifically at the Hospital for Sick Children. How can the minister justify cutting back with respect to residency positions for paediatricians at the Hospital for Sick Children at a time when we are having 40 children sent home and their heart surgery postponed, and when she knows that there is a critical shortage of critical care nurses at the very same hospital? What is she doing to address both of those situations?

**Hon. Mrs. Caplan:** The member opposite, critic for the third party, is wrong when he suggests that there is a shortage of paediatricians in the province. In fact, the Council of the Faculty of Medicine, which has responsibility for determining the number of residency positions required, suggested that some 56 residency paediatric positions were determined to meet the needs and provide adequate numbers of trainees for Ontario.

As of November 1987 there were 137 training positions in paediatrics in the five health science centres in Ontario. In addition, there were some

37 positions funded by other sources. I would tell the member that his information is incorrect.

## RENT REGULATION

**Mr. Breaugh:** I have a question for the Minister of Housing concerning a rent review decision at 63-65 Sympatica Crescent in Brantford.

Martin Roche is a tenant who lives in this building and he is angry and he is confused. His landlord asked for a 10 per cent increase in rent, but the rent review board, in its decision, gave the landlord a 42 per cent increase in rent. How does the minister explain that to Mr. Roche?

**Hon. Ms. Hošek:** As the member opposite knows, the legislation that governs rent review takes a look at the information that is brought forward by the landlord and by the tenants and processes all that information. On the basis of the informational statutory requirements of the law, the decision about what the justified increase in rent or the justified rent rebate might be is arrived at.

1440

**Mr. Breaugh:** Here is another thing that angers Mr. Roche. Members should know this company. It is a warm little family group called 498771 Ontario Ltd. In 1981, the government of Ontario gave it \$916,000, in an interest-free loan for 25 years, to provide affordable housing.

Can the minister explain to Mr. Roche why the government gave this company almost \$1 million to provide affordable housing and why an agency of this government gave it a 42 per cent increase in rent when it asked for only 10? Why does the minister have one section of her ministry working so fervently against everybody else in her ministry?

**Hon. Ms. Hošek:** I would like information about this particular loan or grant the member is talking about. When our ministry grants any organization resources for building nonprofit housing or building affordable housing, it is in accordance with a variety of programs we have. The member opposite knows very well what those programs are. We build nonprofit housing and we build various rental housing through the convert-to-rent proposals.

I think those programs are good programs and more housing gets built as a result of them than would be built otherwise. If there is a particular problem with this particular case, I will, of course, always be glad to review it.



## METROPOLITAN TORONTO HOUSING AUTHORITY

**Mr. Cousens:** I have a question for the Minister of Housing. The minister may be aware of the recent demand by caretakers of the Metropolitan Toronto Housing Authority to be supplied with bullet-proof vests for protection.

According to Kevin Gaul, the MTHA's general manager, workers are being allowed to work in pairs to protect one another, and they have also been offered fluorescent vests and horns as safety precautions. This is what I call preventive measures against crime in our public housing projects.

This is an extremely disconcerting situation and I would ask the minister what measures she is taking in conjunction with MTHA to provide safety within these sites.

**Hon. Ms. Hošek:** The member opposite should know that the entire question of safety and security for the people who work for the Metropolitan Toronto Housing Authority is a matter that is currently part of the negotiation between the Canadian Union of Public Employees and the MTHA board. I am, therefore, not able to comment on something that is in the process of being negotiated.

**Mr. Cousens:** This is not Chicago. This is Toronto. It is an alarming fact that caretakers in our public housing projects—no doubt tenants as well—fear for their lives. Prior to being thrown out as chairman, John Sewell made a number of recommendations that attempted to make these units safer against crime. I would ask the minister again if any of the proposals that were recommended by John Sewell have been implemented. Second, what does she suggest for the workers and tenants in these units who fear for their lives?

**Hon. Ms. Hošek:** The concerns of tenants on the questions of safety and security are ones that I, of course, take very seriously. The Metropolitan Toronto Housing Authority has been working actively with the tenants and tenant groups all over the province where there have been problems, if there have been any. The tenants have taken an extremely active role, working in their own communities to make sure that their concerns are met and are met significantly.

They have been working with staff involved. There have been various police forces that have been involved, together with the resident tenants, dealing with these issues. I believe the community involvement has made a significant difference in many of the locations in which our housing is located.

I know that nothing is perfect yet, but I believe the way in which we have been working in the community offers the best possibility for solutions where there are difficulties. There are many places in which the situation has been very significantly improved in the best way possible, which is by the combined work of the tenants who live in the buildings, the staff of the Metropolitan Toronto Housing Authority under the direction of the board, and some local police forces.

**Mr. Cousens:** The answer is you are doing nothing.

## MUNICIPAL FUNDING

**Mr. Adams:** My question is for the Minister of Municipal Affairs. On December 20, Peterborough city councillors were told that cutbacks in provincial funding will cause a \$420,000 shortfall in the city's 1989 budget. Will the minister comment on funding commitments to the city of Peterborough?

**Hon. Mr. Eakins:** Unconditional grants are only one part of this government's commitment to municipalities in this province. I want to say to the honourable member that there have been no provincial cutbacks; indeed, the total transfer to municipalities comes to about 5.4 per cent in 1989. I want to say that this, which certainly benefits the city of Peterborough, means there will be increases in welfare assistance of some 10.8 per cent. It will mean 11.3 per cent for infrastructure—sewer and water.

Perhaps the honourable member wants to suggest that this is an area that the federal government might want to contribute to, and I would suggest that the mayor might want to talk to the federal member and ask that the federal government also participate. When I attended the provincial minister's conference in Bromont, Quebec, this summer, I raised the question of federal participation in infrastructure and received unanimous support.

I would suggest that the generosity of this government last year meant that the mill rate in the city of Peterborough was about 3.3 per cent, which I think was one of the lowest in years.

**Mr. Adams:** I thank the minister. I am glad that funding has in fact increased in those areas. The city council was disappointed, though, that the unconditional grants had not been increased. Would the minister care to comment on the nature of unconditional grants and the significance of that change?

**Hon. Mr. Eakins:** I feel we must look at the broader picture, because the increased grants



certainly reflect the provincial priorities. It means that this government has contributed in many ways to the city and to the county of Peterborough. Indeed, I recall standing with the mayor of Peterborough last summer cutting a ribbon at the Peterborough Naval Association, which meant a contribution of some \$250,000 from this government.

I might say that my colleague the Minister of Transportation (Mr. Fulton) has made sure that Highway 115 is back on track. That four-lane highway is now going to mean the world can come to the door of Peterborough.

Also, \$1.7 million in additional hospital funding was made available last year and I might say that the Minister of the Environment (Mr. Bradley) has put an additional amount of more than \$528,000 into the blue box program, and just the other day my colleague the Minister of Tourism and Recreation (Mr. O'Neil)—

**Mr. Speaker:** Thank you.

#### POLICE PURSUITS

**Mr. Kormos:** I have a question of the Solicitor General. Since October 1988, the Solicitor General has been promising what she called tough new restrictions on high-speed police chases. In December she promised to speed up her decision in that matter. There has not been a decision. The promise has not been met. Where are the new guidelines that have been promised?

**Hon. Mrs. Smith:** I am very concerned, as is the member for Welland-Thorold, about high-speed police chases in this province, and indeed we are working towards an acceptable policy for the province.

In the meantime, of course, there is an Ontario Police Commission recommended policy which is almost 100 per cent adhered to by police forces across the province. We are, however, working diligently to bring forward a new policy, taking into consideration all information we can find.

**Mr. Kormos:** In 1986, three people died and 134 were injured in high-speed chases in the province. In 1987, 269 people were injured—82 of those were police officers—and eight people died.

This is not fair to the police. It is not fair to the people. How many people are going to die in Ontario in 1989 awaiting the guidelines?

These promises have been ongoing since 1985. Just how many innocent people does the Solicitor General anticipate will be injured or killed in the course of high-speed chases, her guidelines not being implemented or revealed?

**Hon. Mrs. Smith:** It is because of the seriousness of the deaths that occur in chases that we are diligently working to come in with a policy in this regard. But I believe the member would recognize that we cannot look at a situation where indeed under no circumstances can a police officer ever give pursuit to a person who may well be, or be suspected to be, a criminal involved in or having been involved in criminal activity.

It is therefore for this reason that where we consider forbidding police chases, it has to be because there is a reasonable alternative in place, or else the hands of the police would be completely tied in matters of very serious importance to the citizens of this province.

1450

#### SOCIAL ASSISTANCE

**Mrs. Cunningham:** My question today is to the Minister of Community and Social Services. The Social Assistance Review Committee released its report, *Transitions*, on September 5. After four and one half months the minister has only managed to implement one of 274 recommendations. There is a great number of other recommendations that deserve this Liberal government's immediate attention, especially those incentives to allow welfare recipients to become self-reliant.

Would the minister publicly state which SARC recommendations he is ready to implement immediately?

**Hon. Mr. Sweeney:** As the honourable member knows, I do not have the necessary financial resources to make that decision unilaterally, but I would quite clearly tell her that were those resources available immediately or in the near future, the two that I would like to see implemented most quickly would be the ones dealing with opportunity planning and the ones dealing with disincentives for the disabled and single parents going back to work. I think those are the ones the honourable member was referring to in her question.

**Mrs. Cunningham:** Many of our special citizens, including single mothers and adolescents, have been waiting for these four and a half months, as I have already stated. We receive letters and phone calls daily from people across Ontario who desperately want to know when *Transitions* will in fact be implemented. This is a credible report and I am happy the minister did talk about two parts of that particular report today.

I would suggest to the minister and ask him if he could advise the House today, again, when we will have a blueprint complete with a cost-benefit analysis, to address the cost aspect of Transitions, as well as the program aspect. There are many recommendations that are not going to cost money. We are looking at programs that must change.

**Mr. Speaker:** The minister.

**Mrs. Cunningham:** When will he have that blueprint for the—

**Mr. Speaker:** Order. The question has been asked.

**Hon. Mr. Sweeney:** Referring to the final comment of the honourable member, the difficulty we have encountered in analysing the report is that there are very few recommendations that in fact do not cost money.

The honourable member will be aware that in the first stage it is the suggestion, or it is the best advice, if I can put it that way, of the committee that stage 1 would cost somewhere in the neighbourhood of \$380 to \$415 million. In fact, our analysis of the sections of stage 1 which were not costed would bring that figure up to approximately \$600 million. It is substantially more than even the committee itself thought it would be.

Going back to the first part of her question, it would be my understanding that the honourable member could expect to hear a reference to this report in both the throne speech and the budget. Following that, there would be some reference as to how those aspects of it would be implemented.

I go back to what I said in my answer to the first part of her question, that those two areas in particular would be the ones where I personally would concentrate my energies and my advice to the Treasurer (Mr. R. F. Nixon) and to the Management Board of Cabinet.

#### SALE OF ALCOHOLIC BEVERAGES

**Mr. Chiarelli:** My question is to the Minister of Consumer and Commercial Relations. Can the minister describe to the members some of the details surrounding the planned expansion of the Liquor Control Board of Ontario's agency liquor store program on a trial basis in eastern Ontario.

**Hon. Mr. Wrye:** I want to tell the honourable member—in particular, those members from areas where this expansion is taking place will want to know this—that in November the cabinet approved an expansion of this program into southern and central Ontario. The LCBO has now identified five candidate communities for

the first of these pilot projects into the southern part of Ontario. Three of the communities will need successful applicants who can deal in both languages. We expect to expand that program to another five communities later in the summer.

The member will know that the program has been around in northern Ontario for over a quarter of a century and that some 70 or 71 agency stores are now open in northern Ontario. We expect some expansion in that area as well.

**Mr. Chiarelli:** Can the minister state whether or not this particular agency store program has anything to do or any connection with the proposal several years ago dealing with wine and beer in corner grocery stores?

**Hon. Mr. Wrye:** I must say I noted a comment from my friend the member for Cambridge (Mr. Farnan) to that effect over the weekend. I want to say that the proposal for beer and wine in the corner stores, which was debated in this Legislature some time ago, would have expanded beer and wine to some 14,000 or 15,000 stores. What we are contemplating in this expansion of the very successful agency program in the north is some 200 stores, all in.

While I am on my feet, I want to say to my friend from Cambridge and to members of his party, that of the 71 stores we now have open—

**Mr. Speaker:** Thank you.

#### NORTHERN HEALTH SERVICES

**Mr. Hampton:** My question is for the Minister of Health. The minister will know that after two years of advertising for a doctor and working with the government's underserved area program, the community of Rainy River finally, through its own resources, found an American physician with 12 years' experience in family practice who wanted to come to the community to practise. But alas, after trying for six months to get through the hoops and jumps of the College of Physician and Surgeons of Ontario, she gave up.

The minister will also know the community commented to the Globe and Mail that the most disappointing part of the whole process was that the government of Ontario was nowhere to be seen in terms of helping that doctor get through the bureaucratic mess.

The Minister of Health professes to be concerned about health care in northern Ontario. Where was she on this one? Why was she not there to help a doctor who has 12 years' experience get through the hoops and the bureaucracy of the College of Physicians and Surgeons of Ontario?



**Mr. Speaker:** That is two questions.

**Hon. Mrs. Caplan:** As the member knows, I am very concerned about the provision of medical physicians and specialists for northern Ontario. It is the reason for my very strong support for the underserviced area program. He points out one aspect that I think it is important to clarify, and that is that the College of Physicians and Surgeons of Ontario is the self-governing college of an independent profession. The Ministry of Health in no way influences the decisions of the College of Physicians and Surgeons of Ontario, which determines the eligibility for practice of physicians in Ontario.

**Mr. Hampton:** I hope that now the minister is back, she will have a look at the *Globe and Mail* article, because Dr. Batman explains what it was that finally turned her off. Every time she turned around, the College of Physicians and Surgeons of Ontario wanted another little piece of paper or wanted a duplicate of this or a duplicate of that. That went on for six months, and she has 12 years of family practice in the United States.

Let me put the question a little more clearly for the minister. This is a document that says, "The Ontario Liberal Party in the North—A Fair Share in Ontario Prosperity." It was issued by the Liberal Party in March 1985. It says, "Need for Northern Doctors: The Liberal Party, in addition to the current programs to induce doctors to practise in the north"—the current programs being the underserviced area program—"would favour internship spots that would be promoted for qualified foreign-educated and local doctors who agree to practice in designated areas in the north."

**Mr. Speaker:** Question.

**Mr. Hampton:** That is what the minister said in 1985. Why is she not following through on that in 1987, 1988 and 1989?

1500

**Hon. Mrs. Caplan:** It is important for the member opposite and for all members of this House to realize that the medical profession in Ontario is a self-governing profession. The disciplinary and licensing body is the College of Physicians and Surgeons of Ontario. That is the body that decides whether a licence to practice in Ontario will be issued. I would say to the member opposite that it is extremely important he understand that the Ministry of Health does not influence the College of Physicians and Surgeons of Ontario in its determination of requirements and qualifications for licensing in Ontario. That

is an independent responsibility of the College of Physicians and Surgeons of Ontario.

Once the College of Physicians and Surgeons of Ontario has determined that an individual is licensed to practise in Ontario, then the programs of the Ministry of Health to assist physicians who wish to practise in northern Ontario are made available.

## CROP USES

**Mr. Villeneuve:** To the Minister of Agriculture and Food: A year ago, I asked a question concerning alternative crop uses here in Ontario. In June 1988, my private member's resolution on the use of methanol-ethanol carried unanimously in this Legislature. St. Lawrence Reactors has just announced a suspension of activity in fuel ethanol development due to lack of progress in developing a policy on grain-based fuel alcohols.

Can the minister state what action he has taken to promote fuel ethanol research in Ontario and whether his ministry will take up the work formerly done by St. Lawrence Reactors?

**Hon. Mr. Riddell:** That question would be more appropriately asked in the House of Commons, because it is the federal government that decided it was not going to have anything more to do with alternative crops such as corn for the manufacturing of ethanol. If the member is close to his federal members, and he is certainly far closer than I am, I would strongly advise him to put that question to them.

**Mr. Villeneuve:** That is a pretty typical reply of this government. Whenever it does not have an answer, of course it blames Ottawa.

The minister will remember that calcium magnesium acetate has also been studied for a number of years as a less corrosive and damaging replacement for road salt and has proved satisfactory, as the Ontario Good Roads Association report has stated here; again, over a year ago. We know the only serious obstacles to the use of this environmentally safer product is the lack of money and a cost-effective alternative. Can the minister outline what research efforts his ministry has undertaken to investigate large-scale CMA production in Ontario? It is an Ontario problem.

**Hon. Mr. Riddell:** As the member indicated, it is trying to find the cost-effective alternative to the use of, say, salt on the roads. I think the honourable member knows that to use a substitute for salt would cost about 20 times what salt costs at the present time.

As far as using alternative fuels such as ethanol is concerned, the cost is almost prohibitive



compared to the present sources of fuel. Once we are able to come to grips with that, then I am sure the federal government will once again decide to do some work on finding ways of using our crops other than for food purposes. If they want to take up the challenge, we in Ontario will certainly be prepared to work along with them.

#### EMPLOYMENT ADJUSTMENT

**Mr. Neumann:** My question is for the Minister of Labour. The minister is well aware of the thousands of older workers in Brantford who have lost their jobs as a result of the demise of Massey Combines, White Farm Equipment and problems at other local companies over the past several years. Those workers who were still in the plant when Massey entered receivership last year were those who had been with the company for the longest period of time. Many of them are into their 50s and find it difficult to find new jobs.

Recently, I noticed that the government of Quebec has signed an agreement with the government of Canada to participate in the program for older worker adjustment, POWA, which was established several months ago. My question to the minister is this, why has the government of Ontario not entered into a similar agreement with the federal government to participate in this program, which could be of such assistance to older workers not only in my community but across Ontario?

**Hon. Mr. Sorbara:** It is a very important question and I congratulate the member for his interest in it and for advising me of his interest in it.

I want to say at the outset that the program for older worker adjustment, or POWA, as it is known, is not a panacea for the wide variety of labour adjustment issues we confront in this province, but it is an important component. Indeed, it provides assistance for workers over the age of 55 who have been victims of large-scale layoffs, in a situation where that worker has completely exhausted his or her unemployment insurance benefits and has virtually no prospect of finding other employment, even after participating in some training programs. So it is a rather limited program.

What is important to note about the program for older workers is that virtually every time one approaches the federal government to negotiate Ontario's participation, the rules have changed. Indeed, prior to the federal election, the federal government was proposing a 50-50 sharing program. That seemed unacceptable—just before you get up, Mr. Speaker—because it replaces a

program the federal government used to pay 100 per cent for.

**Mr. Neumann:** Canadian Auto Workers representatives have approached me about the Ontario government's negotiations with the federal government on this program. They feel it is of some benefit. Massey went into receivership almost one year ago now and there are workers, albeit not the vast majority of them, who still have not found jobs, who are on unemployment insurance and perhaps the unemployment insurance may be running out. Are there any meetings planned to negotiate with the federal government on this program?

**Hon. Mr. Sorbara:** The terms the federal government has offered on the program for older workers have now been changed once again. I have recently written to the federal Minister of Labour, the Honourable Pierre Cadieux, and indicated that I think it is appropriate for Ontario and the federal government to sit down once again and see if we can ensure that older workers, like the workers my friend the member for Brantford is talking about, can benefit from this program. I hope to hear from him soon. It is important those negotiations and an agreement be reached as quickly as possible.

#### ABANDONED RAIL LINES

**Mr. Farnan:** My question is to the Deputy Premier. The maximization of the rails-to-trails concept demands that abandoned rail lines be converted to a continuous recreational corridor or linear parkway. The concept is destroyed if the potential trail is fragmented as a result of sections of the line being purchased by private individuals.

May I ask the honourable minister, what has the interministerial committee, established "to consider provincial acquisition of abandoned railway rights of way for transportation, recreation and other public uses," done to ensure these lines are not fragmented?

**Hon. R. F. Nixon:** The committee met with the representatives who are interested in the very line the member is interested in, which is the former Canadian National line that runs from Cambridge to Harrisburg. Not everybody knows where Harrisburg is.

I was quite interested in the honourable member's concept that it has to be continuous, because just in the past little while some bridges have been removed that only the most aggressive hiker would be able to negotiate. So there are these barriers that are bound to come forward.

However, I think the honourable member expresses a view shared by many, that the opportunity for at least some of these abandoned lines to be used for recreation and so on is an excellent one.

**Mr. Farnan:** I appreciate the honourable member's support for this concept.

With considerable fanfare, the Ministry of Transportation announced, at the time of the formation of the interministerial committee, "If we do not act quickly... we may be faced with the permanent loss of these valuable tracts...."

Given that two municipalities through which the Cambridge-Lynden line passes will be meeting on this very subject this week and have expressed interest in purchasing the line with the intent of selling sections into private hands, will the minister, on behalf of the government, give a guarantee today that the government will freeze the private sale of these lands, given his support for the concept, and hold these lands in public trust until such time as the interministerial committee can review in total the Cambridge-Lynden line and other lines of significance across the province?

1510

**Hon. R. F. Nixon:** The Minister of Transportation (Mr. Fulton) is responsible for the actions of that committee. When he is here, he might like to respond to the member's comments. As for my point of view, I do not agree with the honourable member, who feels that all of these lines have to be dedicated for that purpose. I do not think that is practical and I feel that putting that forward as one of the alternatives is counterproductive.

The other thing that concerns me, frankly, is that the present owners of these lines are responsible for maintaining the fences, cutting the weeds and keeping the drainage in proper working order, and the idea that somebody, public or otherwise, is going to pay a large amount of money for acquisition of the lands does not make a lot of sense to me. I think we ought to see that certain public agencies take on the ownership of these properties, if that can be arranged. In some instances they may very well revert to private ownership, from which they were removed, in some instances by expropriation, back in the 1800s. This is not a simple problem, as the honourable member knows, and will require a good deal of careful thought.

#### INTER-CITY GAS CORP.

**Mr. McLean:** My question is for the Minister of Energy. Inter-City Gas Corp. was granted a retroactive rate increase by the Ontario Energy

Board. The Ontario Energy Board then ordered the ICG to collect its retroactive rate increases for residential customers in a one-time charge that appeared on the December 1988 billings. This increase ranged between \$50 and \$70 for the average residential customer. Why did the minister allow this to happen? I know it is the energy board's direction, but why did the minister not step in and save these senior citizens \$50 or \$70 extra?

**Hon. Mr. Wong:** The way that our system works in Ontario, the Ontario Energy Board is an independent board and it has the authority and the responsibility to make sure that when a company such as ICG makes representations to it with respect to rates, that it assesses all of the factual information to make sure that the rates are just and reasonable for the users of the energy that we are talking about. It is the responsibility of the OEB.

### PETITIONS

#### TEACHERS' SUPERANNUATION

**Mr. Beer:** I have a petition signed by 100 persons, members of the Superannuated Teachers of Ontario in York region. The petition reads as follows:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"The proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

That is a petition from 110 superannuated teachers in York region and I have put my signature to it.

#### POLICE SHOOTING

**Mr. D. S. Cooke:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the Solicitor General's recent establishment of a new coroner's inquest and the Ontario Police Commission's inquiry into special police units such as tactical and rescue teams is an expensive, dual exercise which will not answer the questions surrounding the tragic shooting of Bernard Bastien by members of the Ontario Provincial Police tactical rescue unit on



August 14, 1988, in Anderdon township, Essex county;

"And whereas a new coroner's inquest will only establish how Bernard Bastien died without the power or authority to determine responsibility and recommend changes in policy governing TRU teams;

"And whereas the Solicitor General has been vague and evasive regarding the nature and scope of the Ontario Police Commission's inquiry into special police units she announced on Thursday, December 8, 1988, leading us to believe the inquiry will be far too general and not deal with the specifics of the Bastien shooting; and

"Whereas, Bernard Bastien's family and the people of Ontario have a right to a full and frank airing of the facts surrounding the death of Bernard Bastien.

"We urge the Solicitor General and the government of Ontario to establish a full public inquiry, with complete investigative powers into Bernard Bastien's death to ensure this kind of tragic event never occurs again in Ontario."

This is signed by approximately 1,700 people from the county of Essex and I have attached my signature.

#### FOSTER PARENTS

**Mr. D. S. Cooke:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"To the government of Ontario on behalf of foster parents:

"Mr. David Peterson:

"I believe that foster parents of the children's aid societies provide a vital service in helping to protect Ontario's abused and needy children. I believe that foster parents deserve our respect and must receive full repayment for what it costs them to take care of these children.

"I strongly urge you and your government to give additional money to the Minister of Community and Social Services, so that the rates paid to care for a child can be increased immediately."

I sign this and this is signed by approximately 5,000 people in the county of Essex.

#### CHURCH OF SCIENTOLOGY

**Mr. Velshi:** I have a petition signed by about 400 people regarding the Church of Scientology and the problems it is facing.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the crown in the province of Ontario continues a lengthy, futile and expensive prosecution against the Church of Scientology; and

"Whereas at no time in recorded history has an entire church been charged with a criminal offence for the actions of individuals, and freedom of religion in the province is at risk; and

"Whereas the alleged offences occurred over a decade ago and those responsible have been expelled from the church or rehabilitated,

"We petition the Attorney General and the government of Ontario to withdraw the charges against the church and end this prosecution."

As required, I have signed this petition.

#### 1987 CONSTITUTIONAL ACCORD

**Mr. Velshi:** I have another petition. This is from an organization called the Voice of Women and it is to the Lieutenant Governor and the Legislative Assembly.

"Petition against Meech Lake accord.

"Canadians must ensure that women's equality rights are clearly written and well protected in our Constitution.

"The risks we see in the proposed Meech Lake accord should and must be removed before ratification. For women, any risk is too much risk.

"We reject any proposal for companion resolutions to 'fix it up later,' because we cannot trust all provinces not to exercise veto.

"The accord must be revised to read that nothing in it will abrogate or derogate from any of the rights and freedoms guaranteed in the Charter of Rights and Freedoms."

This is signed by a total of 36 people and I have attested my signature, as required.

#### MOTION TO SET ASIDE ORDINARY BUSINESS

Mr. Reville moved, on behalf of Mr. B. Rae, that the ordinary business of the House be set aside to discuss a matter of urgent public importance requiring immediate consideration; namely, that this Liberal government's failure to establish an independent prosecutor and a process of independent investigation to deal with possibly criminal actions by members of Ontario's police forces has contributed to a crisis of public confidence.

**Mr. Speaker:** In the absence of the member for York South (Mr. B. Rae), the member for Riverdale (Mr. Reville) has moved a motion under standing order 37(a). This notice was received in my office in the appropriate time. Therefore, I have to receive it as in order. I will



listen to the member for Riverdale for up to five minutes giving reasons why this debate should continue and, of course, I will listen to representatives from the other parties for up to five minutes as well.

1520

**Mr. Reville:** In the past few weeks and days it has become apparent that there is a growing crisis of public confidence in the province of Ontario, particularly in Metropolitan Toronto and the surrounding area. It is not thereto confined, partially because many communities across the province have occasion to reflect on just how it is society should manage questions of policing and those very difficult questions when police officers may be accused of having committed criminal acts.

It is of concern, particularly to the New Democratic Party, that the failure of the government to establish an independent prosecution in these recent cases has contributed to the crisis in public confidence.

I know that all members of the Legislature will have been paying particular attention in the last few days, and particularly over the weekend, to the amount of concern that is being expressed on a number of sides of this issue. A number of those concerns, quite frankly, are being expressed in ways that I believe are inflammatory and do not contribute to a sense of security in the province in respect of these matters.

We are all concerned, I am sure, that situations are not allowed to get out of control and turn into any form of racial discrimination, and regrettably, the facts of some of the recent cases may lead some people to make statements that we would hope would not be made in a tolerant society.

We feel very strongly that this emergency debate is needed today before the crisis gets any bigger. We are hoping to convince the ministers of the crown who are responsible for policing and the judicial system to pay very careful attention to the opinions that will be expressed by members of this assembly on both sides of the House.

What we all seek is a system in which the police can carry out those responsibilities with which they have been charged by society in a way that is seen to be fair and impartial by all of our citizens, and in such cases where there is a question about police conduct, that those questions can also be resolved in a manner that is seen to be fair and impartial by all of our citizens. In that way, in cases where it is seen by crown law officers that charges should be laid, all of our citizens can view the laying of those charges and

the consequent court proceedings with the sense that that activity has been undertaken in a way that is absolutely free of political interference, either in the laying of the charges or in the not laying of the charges.

I think back to other times and other occasions when there have been concerns that the police community relations were not as good as they should be and some of the activities that flowed from those concerns. It seems to me and to members of the New Democratic Party that it is particularly important for the government to hear the views of members of the assembly, many of whom will be passing along the views of their constituents during this debate.

**Mr. Sterling:** When an emergency motion is introduced in this Legislature, it is a bit of an oddity that we get to vote or we have the potential to vote on whether the debate should go forward. We do not often really have a time when the substance of the resolution is called for a vote.

On this day, we would indicate our party's support for going ahead with this debate, although quite frankly, we have some reservations about the content of the resolution. In my question today to the Premier (Mr. Peterson), I indicated to him one method in which I thought we could address this very significant problem we are having in the history of our judicial system.

I am quite willing to listen to the New Democratic Party and any other member of this Legislature who has constructive suggestions about how we might alter our present system in order to meet what I consider a very critical time in our justice system, for it is the first time in our history that we have had a police force ask for the resignation of the Attorney General of the province, at least to my knowledge. I think it is more significant given the fact that the Metropolitan Toronto Police Force is the largest in the province—larger than the Ontario Provincial Police; some 5,500 members who have decided that they would take what I believe is quite a dramatic step.

The Attorney General (Mr. Scott), in his answers to my questions today, I think would like to put this question in the political forum. He wants to address the situation in a manner where we are taking political stances against each other. Quite frankly, as I tried to state in my question, our party believes that this crisis with our justice system, and the questioning of the authority of the police and the implementation of that authority which is given on trust to the police, is a question which is not only of interest to the

government, the Liberal Party and the New Democratic Party, but is also a question of great importance to every member of this Legislature and every citizen of Ontario.

Therefore, we would have liked the Attorney General and this government to have acted as far back as August of last year, when my colleague the member for Parry Sound (Mr. Eves) called upon the Premier, in dealing with this specific case, before charges were laid, to have the standing committee on administration of justice look into what was going on with regard to this case.

Further, long before this last critical weekend in January 1989, on October 18 of last year, the member for Parry Sound introduced a resolution in this Legislature calling for a review of race relations in the criminal justice system. The government let that resolution fall as not worthy of debate.

We then have come to a situation, through lack of action by the government of Ontario, where both sides of this debate, the black community and the police, are asking questions and are getting no answers. Our suggested solution today in question period was to have the justice committee meet in camera, call before it the police and the crown attorneys who are involved in this case, ask them what has gone on in the last five months, why it has taken five months to lay the charges, what has happened, whether there has been interference on any side; to have those facts put before the justice committee in camera so there would be no leaking of the evidence out through the media to the potential jury that will be sitting and trying Constable Deviney, so that they could come out of that meeting and say that the rules of our justice system were followed to a T.

**Hon. Mr. Conway:** I want to begin my remarks by saying how truly remarkable it is for me to hear the member for Carleton say, both during question period and as he just did a moment ago, that what we ought to do is somehow convene a session of the justice committee in camera to adjudicate or at least examine some of these issues that relate to the policing matters that are currently before the Legislature and the public.

**1530**

I am not a lawyer—the member for Carleton is—but I find that suggestion breathtaking, because I cannot imagine that anyone in the general public or certainly anyone from the legal community would imagine that in this circumstance, or quite frankly in any other where there

is a trial about to take place, it is an appropriate thing to do.

I have a great deal of regard for the intelligence and the enthusiasm of the member for Carleton and over his time in this Legislature, now some 11 years, he has made a number of quite remarkable suggestions, but none quite as remarkable as the one I have heard him make this afternoon now on two particular occasions.

I want to say that the government views this matter as one of importance. We certainly do not share the view that the situation has reached a critical level, but we do certainly view the matter as one of importance.

I believe the Attorney General, the Solicitor General (Mrs. Smith), the Minister of Citizenship (Mr. Phillips) and others with a leadership role in this executive council have been very sensitive in their address of a number of the community concerns.

I think I speak for all members when I say that I believe the Attorney General spoke today with clarity and with force as he outlined the Anglo-American tradition of dealing with these kinds of issues. The Attorney General will be in this House shortly to address that matter yet again.

I want to say to my colleague the member for Riverdale (Mr. Reville) that the government will certainly facilitate the motion standing in the name of the Leader of the Opposition (Mr. B. Rae) because we as well are prepared to have a discussion in this House this afternoon about the issues that attach to this particular concern.

I repeat that the Attorney General, I believe, has made it abundantly clear what government policy is in this connection and most especially what the view of the government is with regard to the matters of what I would call due process.

In that regard, I simply cannot imagine the suggestion of the member from the third party as anything but entirely out of order and very counterproductive. We feel that, as a government, we have done a great deal in this area. We have acted, through a number of ministers and a number of policies, I believe with dispatch and with sensitivity. We have a record that we are quite prepared to defend and speak to here this afternoon.

Without taking any further time, I am obliged to say that notwithstanding the fact that my good and able friend the Minister of Housing (Ms. Hošek) has come to this place this afternoon to defend her spending estimates, as she is quite able and willing to do, and I just want to say to the



Minister of Housing that we are very anxious to proceed with that debate—

**Mr. Breagh:** One more time: Get lost.

**Hon. Mr. Conway:** —because, of course, there are those in the opposition—I note the member for Oshawa (Mr. Breagh) is very keen to have the housing policies, the spending estimates of my honourable friend the member for Oakwood, dealt with at an early time. We will have my colleague just set aside those estimates for a little while longer while we move as an assembly this afternoon to deal with these matters.

I repeat, my colleague the Attorney General will certainly be joining this debate to put once again the government's position, which, as was indicated earlier this afternoon during question period, is very clear, very strong and I think very much to the issues at the heart of this debate.

**Mr. Speaker:** We have now dealt with this motion under standing order 37(a), (b) and (c). We now come to 37(d). I have listened very carefully to the three members, as I am sure all other members have, but now under 37(d) I must put the question, shall the debate proceed?

Motion agreed to.

**Mr. Speaker:** The debate will proceed. All members who wish to speak will be recognized for up to 10 minutes. The debate will continue until we have run out of speakers or the clock strikes six.

## INVESTIGATIONS OF POLICE ACTIVITIES

**Mr. Breagh:** I think it is kind of unfortunate that we do have to set aside the business this afternoon to deal with this matter. I think in truth, though, in emergency debates sometimes we take a little liberty with the word "emergency." This is one occasion when I would say no liberties are being taken at all. I think there is a crisis of some proportion that has to be addressed. I think it is rather unfortunate that the legislative process is stumbling a little bit on this matter.

This afternoon, I heard the Attorney General (Mr. Scott) give us a little lecture, under new terminology, on the Anglo-American judicial system. This has nothing to do with the study of law in that sense. This has nothing to do with the courtesy and conveniences of the courts. This is a rather more brutal question. It is about whether the population as a whole feels that the political system, the judicial system and the police enforcement system work well and fairly. I think

it not unkind or inaccurate to say that as of this afternoon they do not. It is all in question.

It was noted earlier today, and I want to note it again because it is an unusual situation: I have never seen officials of a police association or a chief of police call publicly for the resignation of an Attorney General in this province. Since I have been a member here that has never happened.

There certainly have been grumblings about other attorneys general. There have been lots of things said behind closed doors and in negotiations that it did not work very well as far as the police force was concerned. But it is a highly unusual step to see them make a public statement calling specifically for the resignation of the Attorney General of Ontario.

Whether he does or does not resign can be set aside for the moment. The fact that they have done that is something that this Legislature had better hear. The Legislature of Ontario had better hear that there is discontent on a fairly large scale.

As we were debating last week a piece of legislation which would extend the complaints system on an optional basis throughout Ontario, we discussed at some length what is appropriate, what is reasonable, how we do this and what is the purpose of it.

I want to state again, in my view, the purpose of dealing with this matter at this time is not that there are some citizens who are unhappy or feel that the system does not work well. It is not that there are some police officers who are unhappy or feel that the system does not work well. We will never overcome those two problems. What we as a Legislature have to deal with is that the society in which we live now thinks the system does not serve us well.

I would warrant that members, most of them here who have spent some time around their ridings over the Christmas break, are like me. I am taken aback by the number of people who want to talk about the actions of the police force, the actions of the government of Ontario and their perspectives on all of this.

I was taken aback somewhat that over the Christmas season, when normally this is not a topic of discussion in my living room, it was—by people who are not members of a minority group, by people who are not associated with the police force in any way, by ordinary citizens who are upset that the system in which they live now has some glaring faults. I think those lessons have to be learned. They have to be heard here, in this chamber.

Again, I listened to the Attorney General give us a little lecture this afternoon, saying: "We cannot interfere with the judicial process. I am accountable, but you cannot ask me questions. It would be good to talk about this, but there is no place to talk about it."

I would agree with those members who have said it would not be appropriate to send this off to a committee in secret to deal with the matter. We do not need more secrecy on the matter. We do not need more in-house work on the matter. We need to find, now, a public way to deal with complaints against police officers that is fair to both sides.

We will never find a system that pleases both sides. That should not be the point of the exercise. It should simply be a matter of devising a technique that allows the complaints to be heard in the first place and all parties to be dealt with fairly and reasonably with some kind of due process in the second place.

#### 1540

The Attorney General may take the point of view that the courts, now, will do that. I think I heard him, in response to questions today, say something along those lines, that due process will now occur. That is true perhaps for the police officers who are charged. I do not see how that provides a reasonable process for minority groups who feel that they have not had their chance to say their piece.

In the larger question, I do not think that serves the public well. Are the rest of us to sit around now, for six months or two years or however long it takes, to find out what are the findings of the court? And what are we to think now of the police officers that we deal with each and every day in our lives?

In my view and in my experience with matters like this, these are not easy questions, but I will put these as little warnings for the members. The worst of all worlds is when a police officer feels that the system has broken down and says, "I must do a job that the courts were designed to do"; it is when a police officer feels, "The only kind of justice that will be meted out in this instance is mine." It has nothing to do with courts and lawyers; it has to do with life on the streets.

The second part of that equation, and an unfortunate one, is when a minority group says exactly the same thing, because what that really brings us to is almost a total breakdown of the law and the way in which this society lives.

It is also true, and I have heard this said, that there are many people to whom this is simply an academic question. They are unlikely to be

challenged late at night by a police officer for any reason. They are unlikely to be members of a minority group who will be beaten up somewhere. They are unlikely ever to be police officers charged with a major criminal offence, so they will just let it happen. Those of us who have friends in the United States will know that is a fairly common phenomenon there. If you do not like what is happening in downtown Baltimore, you move out and live in the suburbs—and lock your car on the way in and out of town.

I do not think this society can withstand that for very long. I think there have been questions raised now by both sides in the controversy that the Legislature of Ontario must answer. There are minority groups that, whether members agree with them or not, have raised their concerns to the point where it will now have an impact on the rest of us. Those concerns must be addressed and addressed now. There are police officers who have now raised publicly questions about the relationship of the Attorney General to them; and if they are not addressed by this assembly, it will not get better, it will get worse.

There are those who would say this is a classic political move, that one in the first instance lays charges against the officers and therefore in the assembly no real questioning and answering can occur because it is before the courts and the Attorney General will rise again day after day, as he did today, and say: "The matter is now before the courts. I can't discuss it here." Some will see that as a solution. It is not. It adds to the problem. The fact that no one has offered explanations to the public and to the individuals involved makes it worse. The fact that the political system does not seem able to respond to it makes it worse. And the longer it goes on, the worse it will get.

I would caution members, as one final little reminder: If they think they can deal with this as isolated incidents, let me be the one to tell them they are wrong. If they think this has only happened once or twice in the history of Ontario and it will not happen for another couple of years, they are wrong. It will happen again tonight. Somewhere tonight there will be a police officer making that judgement call. If he does not feel that the system—the judicial system and the political system—is a fair and reasonable one, there is an immense danger that he will step across the line of judgement which takes him from a good officer to one who makes a serious error. On the other side of the coin, there will be young people in particular who will say, "The system is all broken down anyway; I don't have to pay any respect to anyone."



Let me end with this. I would be a terrible cop. I could not stand at the Canadian National Exhibition and have a young kid spit on me or call me the names that they do at public events these days. I could not exercise that kind of restraint. We can ask our police officers to show a good deal of restraint, but I think we are at the limits right now. I think that for me personally the key to that was when an association and a chief of police said publicly there is something wrong and a minister of the crown must resign. This government must respond to that.

I am not particularly interested in whether this current Attorney General steps down or not; that is not the question. The question is that when they have lost faith completely in our political system, the Legislature must respond. That is what this debate should be about this afternoon.

**Mr. Runciman:** I am not speaking in support of the emergency resolution that the official opposition has introduced. Essentially, we agree with the thrust that an emergency debate is justified, but I think we have some difference of opinion with the official opposition with respect to just how to define that crisis.

We do not, in our view, see it as a crisis of public confidence with respect to the conduct of police forces in this province. Quite the contrary, we see it as a crisis with respect to the possibility of, and the accusations being made regarding political interference in decisions made with respect to whether charges should be laid in this particular instance.

I think our view is supported when someone of significant import in the police community, such as Chief Marks, has called into question some serious doubts about the objectivity of the crown and the possible interference of the government with respect to the decision to lay charges.

I want to read into the record some of the quotes attributed to Chief Marks: "According to my information...that whole package (of evidence)"—this is related to the Constable Deviney case—"was forwarded to the Attorney General's department and the decision to lay charges was made there."

The Attorney General denies the charge that he has interfered with the Deviney case and, of course, has gone on at length to defend the Ontario Provincial Police investigation, stating that it is a complex issue.

When we have someone like Chief Marks suggesting that this was not dealt with in the usual manner, that this case was dealt with somewhat differently from cases involving police officers in the past, I believe it deserves more

thorough answers than the Attorney General and the government have been prepared to offer up to this point.

I think what we should be dealing with, rather than the motion put before the House this afternoon, is a resolution to make it crystal clear to police across this province, but I think especially to the Metropolitan Toronto Police and the Peel Regional Police Force, that they have the full support of the vast majority of Ontarians.

I do not think there are any of us who are going to suggest that the police are not capable of making mistakes in the line of duty, but I think we have tended in this instance, seemingly in any event, to forget that these officers are innocent until proven guilty. I think it is imperative that we maintain the balance between stating our concern over questionable actions of police forces and our support for their dedication to their duties.

The Solicitor General (Mrs. Smith) is in the Legislature this afternoon. I want to express some concerns about her role or her lack of participation in this whole matter with respect to her ongoing responsibilities in the executive council of this government.

I would not for a moment suggest that the Solicitor General should be acting as an apologist for police forces, but I think she does have something of a role to play in terms of being an advocate for police forces and police officers across this province. I simply believe she either has been unwilling or unable to fulfil that role within the executive council.

Perhaps, giving her the benefit of the doubt, I can appreciate that it might be somewhat difficult to stand up in a situation like this with someone who seems to swing as much weight as the Attorney General in this government's cabinet. But in any event, I think this is the kind of situation in which she should be standing up and making her own views very clearly known.

I think this is just one instance—and I would like to put a few more on the record—where I believe the Solicitor General has not been fulfilling her mandate. As someone suggested in a newspaper this weekend, she does not seem to have an agenda of her own for the ministry to try to improve policing operations across this province and work in a much more co-operative and supportive manner for police forces across this province.

**1550**

I want to talk about the Ontario Provincial Police in eastern Ontario, an area which I think I know reasonably well, where the manpower of

the OPP is causing significant concerns. We have a number of areas of provincial highways, Mr. Speaker—and you personally should be familiar with this situation—that are not patrolled during certain hours of the early morning. The forces are inadequately manned to deal with the demands that are now placed upon them. The minister has not seen fit to deal with that. In fact, all we hear about is the possibility of closure of certain police establishments in eastern Ontario. That is the way she deems fit to address that particular concern.

We can look at the antirackets squad dealing with white-collar crime. It is severely undermanned, unable to deal with significant problems in white-collar crime. In fact, during the summer months we see the force being depleted further, to be drawn off for traffic duty, for Ontario Place duty, significant matters like that, while the antirackets squad faces more and more manpower problems.

The member for Muskoka-Georgian Bay (Mr. Black) made some recommendations with respect to beefing up the drug squad forces in this province. What is the minister doing about that recommendation? We hear she has indicated to the OPP to find the necessary funds within their own budget. What does that really mean? In reality, it probably means further cutbacks, to address the concern expressed by the member for Muskoka-Georgian Bay.

Another point I should bring forward is the recent furore over the use of soft-tipped bullets by the police forces in this province. We take a look at the Royal Canadian Mounted Police, who are using it, and many police forces across Canada and certainly in North America are using the soft-tipped bullet. In my view, what we are doing is, again, tying the police forces' hands, or one hand or one arm, behind their backs, and saying, "The criminal element can use that kind of ammunition, but you cannot use similar ammunition that will have the kind of stopping force that is necessary."

In any event, the Solicitor General has a recommendation before her urging her to legalize the use of this kind of ammunition, and she has been dilly-dallying with respect to that as well.

I want to talk about what I perceive to be a double standard with respect to the way this matter has been dealt with. It is certainly a concern of mine and it should be a concern of all members of this House. I raised the point in the House last week about the fact that in the past few weeks a police officer had been killed in the line of duty as a result of a traffic mishap. Also, a

woman police officer had part of her leg amputated after being hit by a car when standing behind her cruiser. I do not recall the Solicitor General or any member of this House standing up to express concern or to express condolences to the family of the officer who lost his life.

I want to draw the attention of the House to the fact that at the funeral of young Wade Lawson—and I am not being critical of this, but I want to point out the strange way this whole matter has been approached—I am led to believe by the media that two cabinet members attended. I am not being critical of that, but when the police officer lost his life in the line of duty, I do not recall a cabinet minister being present for that funeral.

I think that is an appropriate analogy to draw here. We have someone who was shot down—we do not know the facts of the case, but he was driving a stolen car—and two cabinet ministers see fit to attend that funeral. When a police officer is killed in the line of duty, we do not even have a statement in this House expressing regret and condolences to the family. That should raise some very serious questions with respect to how this whole matter is being dealt with and how big a role politics is playing in this whole matter before the public now.

I simply want to say that I disagree with the intent of the motion by the New Democratic Party. Instead, I think we should today be asking you, Mr. Speaker, and members of the Legislature to join you in stating our support for police forces and to express to them the respect they deserve.

**The Deputy Speaker:** We usually go clockwise, but I presume there is another arrangement I just found out about.

**Mr. B. Rae:** I understand the Attorney General does not want to go until some of us have spoken. I regret the fact that the Liberals have not put up another speaker. It is a rather curious procedure, but that is the way they have decided. Does the minister want to speak, because I will go after the minister?

**The Deputy Speaker:** Usually we follow the rotation and this time it will be the turn of a government member to speak. If somebody is going to have a different arrangement, the Deputy Speaker would like to know.

**Hon. Mr. Curling:** I want to thank you very much, Mr. Speaker, for allowing me the opportunity to address this House on this very important issue. I rise today to speak to the resolution put forward by the honourable Leader of the Opposition (Mr. B. Rae).



Today, as with each day, we are debating the law in this House. In this case, we are debating a very highly technical question of criminal justice administration. I am no lawyer. I have neither the legal training nor the desire to speak in any detail about the matters so eloquently laid down by my colleagues from the legal profession. I am sure the Attorney General in his eloquence will articulate his position and the position of this government.

I wish to speak from a vantage point that is unique in this House. I speak not only as a member of the assembly but also as a member of a community I am personally familiar with, having been a part of it for 23 years in this country: the black community. We all know that in this province we have one law that serves both the law enforcers and the communities those enforcers serve.

The black community in Toronto and indeed across the province has a profound and troubling concern that perhaps the law has not historically worked for them, that perhaps it has not been upheld to the degree they expect and deserve as citizens. Other groups also express the same vague sense of concern. What is critical in all this is that everyone should accept the challenge and ask, "Am I questioning the law in a constructive way?"

There is nothing wrong with questioning the law. The right to be critical of the law and its procedures is at the core of our democratic society, but what cannot be questioned and indeed what no one in the black community is questioning is the rule of law itself. It is understood implicitly and explicitly that the rule of law must be upheld at all times. If there is one point of law or its administration that needs alteration in order to achieve justice more fully, people will speak out for that change, but at the same time it is understood that ignoring the law or cutting corners or exerting undue influence on its working strikes at the heart of the larger community or democratic society.

When we come together as legislators in this assembly, our first duty is to uphold the law. I think those who suggest that the Attorney General in some way breached his oath should take a few minutes to consider the magnitude of those statements. On reflection, I am sure they will consider them. Similarly, there is suggestion that the system is unworkable and that it is impossible for justice to be done under our current justice system.

Let me say this: there is a criminal justice process. The Attorney General and the crown

have followed it. There is a process of law enforcement, and the police have followed it in their historically professional manner. There is a political process of discussion and debate in this House, and we are following it. Above all, there is a rule of law; my community knows it and follows it.

It would be a sad day for any minority to have charges laid in order just to appease that community. It would be a sad day, because the ultimate protection of minorities is the law. Anything which cuts into the law cuts into the community's protection, and that is fully understood in the black community. What is understood also is that no one is above the law, that no one can act without consequence and that no one can use the law for political purposes.

#### 1600

There is a great deal of frustration surrounding these recent events and issues. No one wanted any of this. There is a sense that no one wanted this to happen. There is a sense that it should not have happened at all, the way it is making people ask the question why. All parties have to start asking why when these things happen. That is what democracy is all about. But the best way to get the answers is through the justice process that we do have.

It is premature to suggest that the system has failed when it has only begun to address the central question in the various cases. No one, no matter what his involvement, can allow his frustration to get in the way of the workings of justice. Although there has been concern, disquiet and some degree of anguish over the past several months, I think we have to say that cool heads are prevailing. In the black community there is a search for understanding and renewed dialogue. The same is being exhibited by the police. The same calm, good sense is generally prevailing in this House. We must be thankful for this and not allow our fragile freedoms to buckle under the pressures and passions of the moment. I am confident that all sides in this large and wide-ranging debate will continue to approach it in a constructive manner.

Allow me to make a few comments on the speech of the honourable member for Leeds-Grenville (Mr. Runciman), who stated that I was one of those members present at the funeral. I have attended many funerals. This troubling situation has troubled a wide community, and I felt that as an elected member I should be there if I could lend any part of my elected process or my respect—if I dare say—to that community. Sure, we do not stand in the House each day on some of

the tragedies that happen. But when a community or an organization needs consoling, to question the fact that an elected individual sees fit to go to a funeral—no one questioned the fact whether I knew the family or not—but he sees within himself that it is not critical that I should attend the funeral to show respect to those individuals and those families.

I have seen members from the opposition attending funerals, of course, and I was pleased to see that we live in a country where anyone would come to that funeral. The honourable Leader of the Opposition was at the funeral, and it really pleased my heart to know that I live in a democratic country where we can see the opposition understanding a community's concern. It is sad that members of the other side would see it as not a good approach.

I continue, as an elected member, to share my concern, to be there when I am needed and at times when I am not even called upon, because I feel that those communities need us to show some sort of leadership. Leadership is a grasped opportunity, Mr. Speaker, not a pushed opportunity. I want to thank you for allowing me to speak, and I hope the same sanity will prevail as we debate. Let the trial begin.

**Mr. B. Rae:** I appreciate the opportunity to participate in the debate. I want to outline for members my concerns, as I have done in many conversations with the Attorney General, both publicly and privately.

I think it is fair to say I believe—and I know the Attorney General does not agree with me, but I want to say it again as a matter of record—that when an action takes place out of which criminal charges could possibly emerge against a member of a police force, the investigation of that charge should be supervised by a prosecutor who is independent of the government and independent of the police.

That investigation will very naturally involve members of police forces, because it will, being a criminal investigation, naturally require the participation of people who have expertise in the area, but it would not necessarily be drawn from any one particular police force. The decision as to whether or not to lay charges should be made as quickly as humanly possible, it should be based on all the evidence that is gathered and it should be made in a manner that is not only independent but is seen to be independent.

We are in a somewhat difficult situation. We have a number of comments that have been made with respect to the process of the laying of charges in this case, comments made by mem-

bers of the police force of Metropolitan Toronto, including the chief of police of Metropolitan Toronto, which I believe are highly prejudicial to the conduct of the trial and which pose a great problem for me in that if I comment on them extensively, no doubt there will be those who will say that my comments are equally prejudicial.

Since the comments were raised last Thursday by my colleague the member for Sarnia (Mr. Brandt) with apparent approval by him, and repeated again by him outside the Legislature, I do want to say to the Solicitor General, who is here, that I hope she is discussing with the government appointees on the Metropolitan Toronto Police Commission the conduct of those senior officers of the Metropolitan Toronto Police Force who have made particular statements about the conduct of the investigation.

In particular, I want to say to the minister that I hope she will consider seriously the impact of those statements, the impact not only on the administration of justice but on race relations in this city and in this province. I say to her in all seriousness, I am as profoundly troubled by the statements that have been made as I have been by any statements made by people in positions of responsibility in our city and in our province.

To say that, of course, one will be criticized; but I say that if people are saying things—for example, it has been alleged that there was an investigation of the Lester Donaldson case by “the Metro force,” by the homicide detectives of the Metropolitan Toronto Police Force.

It is my understanding—and I can say to the minister that I was at the Donaldson house some two days after the shooting—that from the outset the investigation was being held under the jurisdiction, auspices and authority of the Ontario Provincial Police and not under the authority of the homicide squad of the Metropolitan Toronto Police.

When I was there, the OPP and the Metropolitan Toronto homicide squad came up in the same car. Perhaps the Solicitor General will appreciate why I say this when I say she needs to have an investigation that is seen from the outset as being an investigation that is conducted completely independent of those who are potentially responsible for the commission of a crime.

When I suggested to the Attorney General that it was important that there be someone completely independent who would be surveying the evidence from the very outset, I say that because I think, frankly, the decision whether to lay charges has to be made in a way that is seen by



everyone involved as being an independent process.

#### 1610

There have been a number of other comments. I do not want to refer to them, because in referring to them one contributes to a deterioration in understanding. But I want to say that a number of comments have been made about the responsibility of people in the black community for the laying of these charges. In my view it is an affront, not only to the black community but to all of us who believe in the administration of justice, to suggest this is an issue in which you have the black community on one side and the rest of our community on the other side. I resent being placed in that position. It is an entirely inappropriate thing to do.

It is most unfair to the black community when you have, for example, a senior officer of the Metropolitan Toronto Police Force saying in the *Toronto Sun*: "We have this violent (black) gang robbing chicken places and beer stores all over the west end. These black activists claim to be so involved in the black community, then why aren't they telling us who these people are who are committing these violent crimes?" He then goes on to say, "I'm concerned we'll have another shooting if we don't get these blacks who are doing the armed robberies."

What have we come to? Would anyone for a moment make the suggestion that somebody who is an activist who is not a black knows about the extent of criminal activity in any given community? It is an affront to common sense.

The issue here is the question of the appropriate use of force by officers in the course of their duty. That is the issue. The second issue we are discussing is, how can we in our society best maintain a sense of confidence among all sectors of our community in the administration of justice and in the administration of the police power?

The Attorney General says, in response to my questions today, that if the process is not followed that has always been followed—that is to say, you have a police force investigating another police force, at the request of the force whose members are potentially involved in a criminal activity. So the Ontario Provincial Police were not called in by the Solicitor General; the OPP was asked to come in by the Metropolitan Toronto Police Force. In the case of the death of Bernard Bastien, the Windsor Police Force was not called in by the Solicitor General; it was the OPP that asked the Windsor Police Force to do the investigation of those officers involved.

What I am suggesting to the Solicitor General and the Attorney General is that this is not good enough because it continues to leave the sense, in the public's mind, that you have police simply investigating the police, without the supervision and without the questioning, if you will, without the dialogue and dialectic going on with someone who is responsible, who is seen as truly independent of any outside force or pressure whatsoever, and who is seen as offering that independent advice, at which point a decision is made whether to lay a charge.

I want to make it very clear that I have no evidence, and I would not say it unless I had the evidence in front of me, of any interference or lack of interference in the charges that either were laid, in the case of Wade Lawson or Lester Donaldson, or were not laid in the case of Bastien. I still say it simply is not good enough to say we do not have that evidence. The question really is, can we say with confidence that the process has been seen by everyone as being one genuinely and truly independent of the police, or indeed of broader political and governmental concerns?

These are some of the most difficult issues we have to deal with in this House. One has to be very careful in raising them. One has to be very careful in assessing their importance. It is not going to be easy getting through this.

I do not think the Minister of Skills Development (Mr. Curling), who spoke, necessarily hit the nail on the head when he said how cool and rational everybody in this debate was being. He may be right in hoping that would be the case, but I am afraid I call it a little differently.

I think some things have been said that everyone needs to assess in terms of their impact, in terms of their potential impact on the course of good community relations in this city and in this province. I think we need a different process if and when a similar tragedy ever recurs. I think the time to start the discussion about that process is now.

Having said all that, I hope I have not said anything that will in any way prejudice the outcome of events that are now being taken before the courts. There is much to be done by the Attorney General, and I might add by the Solicitor General. I look forward to hearing their responses to the comments I have had to make.

**Mrs. Marland:** In rising today to speak to the motion of the member for York South (Mr. B. Rae), "that the ordinary business of the House be set aside to discuss a matter of urgent public importance requiring immediate consideration—

namely, that this Liberal government's failure to establish an independent prosecutor and a process of independent investigation to deal with possibly criminal actions by members of Ontario's police forces has contributed to a crisis of public confidence."

I want to say at the outset I do not support this motion. I think that if anything is contributing to a crisis in this entire situation it is the politicizing of it. I am gravely concerned about the road all of us are being headed down.

I am reluctant to enter into this debate today. I am not going to address the issues that have already been addressed by the previous speakers because I feel that, fortunately for all of us no matter what our backgrounds are, no matter what our colours are, and fortunately no matter what our beliefs are, there is a process not only in this province but also in this country that ultimately protects all of us. I have complete confidence in that process.

I want to say that fortunately for me, my family and my relatives, we are blessed with friends from all communities and all ethnic backgrounds. I never look at people when I look into their faces and wonder whether they are different from me, depending on what colour those faces are. I have been blessed with a very rich legacy from my parents, who happen to be incredibly wonderful people who taught me at a very young age to know that the most important experience we can ever have in our lives is to know people, to have the opportunity to meet people, to work with them, to interrelate with them and to socialize with them.

Since I was a very little girl, I was fortunate, growing up in England, to be in a community that represented a cross-section of both socioeconomic backgrounds and ethnic-racial backgrounds. I must say that rich legacy my parents bestowed on me has taught me to realize that I can look into any face of any colour and see, beyond that face, the person.

To me, personally, it is people who matter. I am not concerned whether a person I am sitting across from at a table can get up and walk from that table or is sitting behind that table in a wheelchair. I am not concerned whether that person can even see me. I am concerned that person knows I care about him and that through my knowing him I hopefully can understand him.

1620

I think what is happening in Ontario today on the issue that is addressed in this resolution, which I totally do not support, is that people are losing the perspective of what is at stake. What is

at stake are the rights and freedoms of everybody. Because we have a process that, through statute, ultimately protects the rights and freedoms of everyone, I am not bound, fortunately, to listen to radical expressions on any side of any issue.

All of us know that down through history we have always had radicals on every issue, for centuries. I suppose we can even talk about the people who were radical enough to make it possible for me to stand in this House as an elected female member of a Legislature. If we go back to the radical women who chained themselves to the railings in England when they were first fighting for women to have a vote, if they had not done that I would not, obviously, be standing here representing men and women who today have a vote.

But I want to say that radicals on any subject anywhere in this world do not carve out, ultimately, the best possible solutions on any subject. The fact this very sensitive subject is now deteriorating into the kind of political debate it is, is something that gives me personally a great deal of concern. I hope that when the government's Attorney General addresses and responds to this motion today, he will very carefully choose his words so that we do not continue to prejudice the outcome of what has already been started.

I certainly do not plan to stand in this House today and make any comments that will cause prejudice on either side of this issue, because on both sides of this issue, as with any issue, there has to be fact and there has to be fiction. Because we have a process under way that fortunately for all of us will establish what is fact and what is fiction, therefore, I believe we are all ultimately protected. Certainly all of us, within our own hearts on any issue, have to be ultimately satisfied that we have done the best we could possibly do with our opportunity today to serve the public of Ontario.

It is in the best interests of the public of Ontario that this motion is not supported by the majority of the people who represent that public.

**Hon. Mr. Scott:** I am grateful for the words members of the House on both sides have contributed to this debate, and I am particularly grateful and conscious of the warning the honourable member for Mississauga South has just given that we all—and she said I—should choose our words carefully as we participate in this very sensitive exercise.

I want to make plain that over the last six months I have been careful to say as little as



possible about these subjects, notwithstanding the rhetoric in the streets and in the assembly and in question period, which is focused on whatever is the current news item of the day. I have been conscious to do that because of the role I perform in our system. I am grateful for her observation that is the correct kind of reticence to show.

Let me begin by saying that I think this debate and the resolution that is put forward has three separate but connected strains. The first is our concern for civilian review of police misconduct; the second is our concern for an independent criminal prosecution; and the third is our concern, heightened over the last few months, about deteriorating relationships in the community that may involve the police, members of racial minority communities and perhaps others.

While these three issues are presented by the facts that are before us, they are really separate. I wish just to say a word about two of them briefly and comment at more length on the third.

First, the last: If there is evidence of deteriorating relationships between the police, racial minority communities or others, it is to be deplored and each one of us has an obligation to do what we can to improve that relationship. It is absolutely inconsistent with any reasonable notion of a democratic society that this deterioration should take place. All citizens of our province are entitled to equal treatment, and at the same time, every member of our police force is entitled to the support, and we pray the confidence of each of us as he or she goes about a very pressing but absolutely essential public duty.

I leave to the Clare Lewis task force and other groups that are working on this highly sensitive matter a judgement as to what best can be done to improve a deteriorating situation.

With respect to the first issue, the issue of civilian control of the police, I listened carefully to what the Leader of the Opposition said, and in so far as he is asserting that there must be civilian control of the police, I agree with him. In the case of the Ontario Provincial Police, that civilian control is exercised through the office of the Solicitor General, reporting to this assembly. In respect of the Metropolitan Toronto Police, it is exercised through the Metropolitan Toronto Board of Commissioners of Police and the Solicitor General, reporting to the assembly.

In so far as it is desirable, as he said, to have civilian review of complaints of police misconduct, I agree with him. The government of Ontario has established as a pilot project in Metropolitan Toronto a civilian Police Com-

plaints Board, which has done very good work. The government has had in for some years—we are still anxious to pass it—a bill to permit the extension of that civilian control of complaints about police misconduct further across the province, and the Solicitor General, as he knows, has initiatives in her own department to fortify that kind of principle.

But if the Leader of the Opposition is saying there should be civilian investigation of criminal misconduct, which I heard him say, he is there treading on very novel ground. There is no country in the western world living in a free democracy which allows the investigation of crime and its prosecution to be conducted by other than professionals.

It is my respectful view to the assembly that before we set up civilian investigators of crime to investigate and roam from one end of the province to the other, we want to very carefully consider it, because we will be the first free democracy in the western world to put the investigation of crime out of professional hands.

#### 1630

I do not say it is impossible, but I say it is a matter of very great novelty. Our last concrete experience with it was the French Revolution when innocent people—some guilty people too, but many innocent people—at the hands of these civilian investigative committees went in the tumbrel to the guillotine. That is the second issue.

The third issue has to do with the independence of prosecution and that has to do with the office of the Attorney General. The role of the Attorney General, as chief law officer of the crown, supported by a professional staff, and we have in this province the most distinguished professional crown attorney staff in the country, is serious and important. I direct, through my agents, crown prosecutions. I prefer indictments. I have the right to stop a criminal process which is taken by others, and my staff and I give legal advice to the police, if it is required, following an investigation and before the police decide whether to lay charges.

Because of the importance of this role, the Attorney General and his staff act on their own. The matters I decide and my staff decide in connection with the criminal law process are not discussed in cabinet. There is no minister who can direct me to take a step. There is no Premier in the British Commonwealth or in the Anglo-American law system who is so powerful that he can direct an Attorney General to act, and when there is we have Watergate.

The independence of the Attorney General from his political colleagues in respect of the criminal process is an important constitutional principle which I have to uphold.

The facts of this case are, in one sense, straightforward. A man was killed in his room in Toronto on August 9. An investigation was undertaken by the Metro police immediately but shortly thereafter it was decided that the investigation should be conducted by another force unrelated to the jurisdiction of Metropolitan Toronto and should be supervised by a crown attorney from outside Metropolitan Toronto.

The OPP undertook the investigation and Mr. Meinhardt, the crown attorney in the county of Victoria, was appointed to provide any legal advice it might require. That investigation report produced a series of reports delivered, as usual, at various stages. The investigative work, which included some forensic scientific work, was completed on November 30.

Following that, Mr. Meinhardt made a summary of the factual conclusions in the investigation which was received in the office of the Deputy Attorney General on December 14. At that time, a task force, under the assistant deputy attorney general, criminal law, of four other senior criminal lawyers was appointed to review the adequacy of the investigation and the advice the police officers had requested.

That task force met five times and I believe on January 9—I think I have the dates right—concluded what advice should be given to the police officers. The Deputy Attorney General came to me, told me the advice he proposed to give. I asked him about it. I said I agreed with the advice he proposed to give and that afternoon, a senior superintendent of the Ontario Provincial Police laid the criminal charges.

That is the way the process works and a trial, presided over by a judge and a jury of 12 of our fellow citizens, will decide whether an offence was committed, bearing in mind that we have a presumption of innocence until proven guilty in this province. The idea that that process should be supervised by an independent prosecutor is simply inconsistent with Anglo-American tradition.

Mr. Speaker, is the time up?

**The Acting Speaker (Mr. M. C. Ray):** The time is expired.

**Hon. Mr. Scott:** Can I have the leave of the House to complete in about three minutes?

**The Acting Speaker:** Agreed?

Agreed to.

**Hon. Mr. Scott:** I simply draw briefly to the attention of the House the observations of Professor Edwards in his major text on the office of the Attorney General, that accountability requires an Attorney General who will supervise the prosecution of criminal offences. When does the accountability begin? Not when the charges are laid, but as Professor Edwards says, when the trial is over. He emphasizes that point. Lord Devlin, one of the most distinguished jurists in England, in the same text, makes precisely the same point.

You will be interested, Mr. Speaker—and I tax you only a moment longer—that following Watergate in the United States, it was proposed that there should be no politically accountable Attorney General speaking and answering questions in the legislature, that there should be an independent prosecutor. Sam Dash, who ran the Watergate hearings under Senator Sam Ervin, gave evidence against that proposition. Here is what he said:

“Central to the question is the fact that such a public officer, the independent prosecutor, would be largely immune from the accountability that prosecutors and other public officials constantly face. Lack of accountability of an official on a permanent basis carries a potential for abuse of power that far exceeds any enforcement gains that might ensue. An independent prosecutor reports directly on ongoing investigations to no one, takes direction from no one and easily abuses his power.”

To sum up, the system, the process that was applied in this case and all other cases that have come through the ministry, as far as I know in the last three and a half years has been precisely the same: the process we have followed in the Anglo-American system for almost a thousand years. I do not say I am not prepared to consider the proposals that the honourable leader has put forward, but they are proposals totally inconsistent with our tradition.

Now the time has come, the charge having been laid, to await a trial. At the conclusion of the trial, when all the evidence is put before the public and our 12 fellow citizens who will preside at that trial, it will be time enough to ask if the process worked. I believe that the process is working and will work. It would do us all good, as the honourable member for Mississauga South (Mrs. Marland) suggested, to reduce the rhetoric, to reduce inflammation and to allow this venerable process, which focuses on innocence and requires proof of guilt beyond a reasonable doubt, to work its way.



**Mr. Hampton:** I have had the privilege of hearing a number of speakers in this debate and of considering some of the comments that have been made. I think it is only appropriate at this time to try to bring the debate back again to the focus I think it deserves.

I listened carefully to the Attorney General's statements about the need and the theory of Anglo-American jurisprudence for an independent Attorney General. In fact, only a couple of years ago I remember attending a conference at the University of Toronto where a learned professor lectured for many hours—or it seemed like many hours—on just that need, the need for the independence of the office of the Attorney General. One of the points he made was that he lamented the fact that too often in the holus-bolus of modern day politics, that independence does not always appear to the public as it should. But I think the independence or the theoretical independence or need for the independence of the office of the Attorney General is not the key issue here.

#### 1640

Similarly, it has been said we are really talking about the process in our society of an investigation of an alleged crime, the laying of charges and then finally the proceeding through the court. I do not think we are talking about that process either. If we try to focus simply on that process and then apply that process to the events which have happened in Ontario in the last six months and say, "If we let the process work its way through, we will see that everything is good and fine," I think again we are mistaken. That process, the judicial process, is not the question either.

Let's just stop for a minute and think about some of the events that have occurred in Ontario in the last six months. We have had one shooting of a black gentleman. It has taken six months for charges to evolve against the police officer who was involved in that case. We have had actions by a special squad of the police in the Windsor area where, by some process of mistaken identity, a completely innocent person was gunned down by police bullets. We have had another process only a few short weeks ago where an individual, a young black person, was shot in the back of the head by police officers. As part of the investigation of those events, it was discovered that the bullets used, hollow-point bullets, are not bullets which police should ordinarily be using in the course of performance of their duties.

When one looks at this combination of events I think the conclusion, or if not the conclusion the concepts which start to appear in the eyes of the public are worrisome. What are some of those concepts which have started to appear? One of the concepts, one of the concerns out there is: Who is in charge of the police forces? That is one of them. How can these things happen? How can a completely innocent person be gunned down in Windsor by a special tactical squad of the police force? How can another young person be shot in the back of the head and the bullets used are bullets which are not supposed to be used by a police force? How can another gentleman be shot within the confines of a small rooming house situation with the allegation that there was an imminent attack upon a police officer?

How can these things happen? That is the question being asked out there by the public. How can these things happen in this space of time? What is going on? Who is in charge? What are the controls? That is one set of questions. I happen to agree with the Attorney General that another question brought to mind other than who is in control and what the directions are is: What should be the avenue out there for dealing with complaints brought by individual citizens or groups of citizens against police conduct? What should be the avenue for dealing with that? What should be the avenue out there that will allow those kinds of concerns or suspicions or accusations to be dealt with in a way which, first, avoids some sort of accusation every day in public; and second, avoids a situation where the whole thing is handled behind closed doors or gets away from the situation where the police are seen to be investigating the police, or finally, gets away from the situation which is perceived to be political; that is you let the situation boil until it becomes a political issue and then the chief politicians in the province must step in and do something to either settle it or empty it of the volatility that has become involved?

I think one of the things that has come out of this is that the whole process that is there in this province for dealing with complaints about police forces or dealing with concerns about the behaviour of individual police officers, the mechanisms that are there, just do not do it.

Finally, we have the kind of situation that has come to a boil within the last four or five days. Members of the community are not happy with the way in which investigations have been conducted or they are not happy with the way in which things have been handled internally and they have expressed themselves in a very

forthright, one might say almost aggressive, manner. The police, who have also felt that there has not been an adequate system to address these complaints, an adequate system to air these complaints, have reacted. Finally we have, I would say, the least favourable way of dealing with these, the least adequate way of dealing with these things: We have had what the police are terming, or has been termed by members of the public, an attempt at a political solution.

We have expressed no judgement on that, but that is again the perception that is out there and that surely describes how inadequate the systems are for dealing with these problems.

If members sit back for a while and they watch how this issue has grown and how it has spread and how the pressure has increased, surely the conclusion must be that we do not have an adequate system for dealing with complaints about a police force or about police conduct, that we do not have a system that is adequate for mediating between citizens and police officers, whom we give a great deal of authority to and who generally exercise that authority very well and very properly.

Surely that is the question, and if we bring it down to the events that have happened in the last few days, what we are saying and what the Leader of the Opposition has said—a position I agree with—is that in this situation the way that was open to provide some stability to the process, to provide an airing of the concerns, an airing of the problem, was to appoint an independent prosecutor and to conduct an independent investigation. That would have led, I suggest, to many more members of the public being satisfied with what was happening, and I would suggest it would have been a more proper way to deal with it from the perspective of the police as well.

**The Deputy Speaker:** Do other members wish to participate in the debate? If no other member wishes to participate in the debate—

**Mr. Reycraft:** I hear someone coming.  
**1650**

**Mr. Reville:** I apologize for my absence, but it is not our turn.

It gives me pleasure to participate in this emergency debate. I listened carefully to the member for St. George-St. David, our Attorney General, speak, and I appreciated his forbearance as he took us through only part of a thousand years of Anglo-American tradition. I should note that although he refers back to the days of the French Revolution when indeed there were civilian tribunals that not only investigated crime but prosecuted crime—I am sure we remember

from our history books the names of Robespierre and Saint-Just and Mme Lafarge—I think we are aware that not only were guilty people punished but so too were some people who were undoubtedly innocent.

The Attorney General might have shared with us some of the more recent examples of civilian tradition and civilian tribunals that have been set up by people who had despaired of their established systems ever working at all. Those civilian tribunals have been in evidence in several places in very recent history and clearly, I think, the Attorney General does my leader and the New Democratic Party a huge disservice when he compares what we are suggesting to the days of the French Revolution.

In fact, I do not believe my leader suggested at all that the investigation of crime should be taken out of professional hands in any way whatsoever. The suggestion was that those professional investigators who would undoubtedly be police officers would be reporting to a prosecutor who was independent of the political system.

The concern is mounting not because we feel that the Attorney General is somehow a captive of the cabinet or is behaving in a political way. That has not been our contention, nor do I believe you will hear any member of my party make that contention in any way whatsoever. Rather, we believe that this matter is urgently in need of addressing because of statements that have been made and perceptions that are being held by diverse segments of our society.

The segments of society I am talking about go far beyond the black community on the one hand as a minority group that is trying to express the concerns of that community, and various members of the police force on the other hand who are trying to express the difficulties that are faced in the difficult job of policing, but include all citizens who must have confidence not only in the way in which we are policed but in the way the criminal justice system operates.

It is that confidence that we feel is in danger of being damaged severely, not just by the events that have taken place but by the way in which those events are being interpreted by many people.

I do not mind telling you, Mr. Speaker, that I have been shocked by the comments made by senior police officers. I think it is highly inappropriate for senior police officers to have made some of the comments that have been made. I am very concerned to know whether the Solicitor General, who has responsibility for policing in this province, has been in contact with



Mrs. Rowlands at the police commission to indicate that the Solicitor General is very concerned by the comments that are being made by senior officers of the Metropolitan Toronto Police.

I get concerned as well when I hear not only from my constituents but in the media that some of the police officers have taken job action in response to events that have taken place. The notion that police officers have decided to lay down their guns and thereby not be available for their assignments is of concern to all of us. I am not suggesting that action necessarily has to be taken against those officers who were involved in job action. I do not know what the extent of the job action was, but I think it is the government's responsibility to ensure that all of our citizens feel as secure as possible. The cases where people may be apprehending that the presence of the police force is going to be somehow diminished because the police are angry about a situation are not going to give people a feeling of confidence at all.

The Minister of Skills Development, not only as the representative of the black community but as someone who was mentioned in connection with his attendance at a funeral, quite rightly points out that it is inappropriate to criticize the mark of respect that he was showing by attending the funeral. I agree with that.

I disagree, however, when he says that the best protection of the minorities is the law. I am surprised that the Minister of Skills Development would have said that, because of course he knows, as we all should know, that at various times in our history—and at times when we contemplate that very history we should be ashamed of that history—the law has not been a protector of minorities at all. In fact, laws have been passed, not only in our jurisdiction but in other jurisdictions, and indeed are in place today in many jurisdictions, which are designed to diminish the rights of minorities. To suggest, in virtually the same breath, that we all must have cool heads and leave the finding of answers to the justice system does not address the much bigger concerns about police-community relations, and particularly police relations with minority groups.

There is no question that in due course the justice system will produce for us an answer to the questions in the two cases that are before the courts, about whether offences have been committed. But the justice system will not deliver us answers on other questions: To whom are the police accountable? How should the police carry

out their mandate? How can community groups and minorities within our communities be assured that their concerns are being addressed and that there does not lurk within any of our systems—whether it be the system of keeping the peace or the judicial system—systemic discrimination? It is insidious. We know it exists, and I think we are all committed to making sure that those forms of systemic discrimination are eradicated.

I do not think it is appropriate for the government to duck the issue, and there are very real issues here about the way in which our policing is carried on and the way in which citizens who have concerns that they have not been dealt with fairly by the police can bring those concerns forward.

**Mr. Cousens:** I think it is significant to note that the Attorney General did come and make some remarks, but he is no longer in the House.

**Mr. Reycraft:** He is outside.

1700

**Mr. Cousens:** I think that on an issue as great as this, one would have expected him to be here and to be participating—

**Mr. D. R. Cooke:** You weren't here for his remarks, were you?

**Mr. Cousens:** I did hear his remarks. I am just saying that the Attorney General should be here in the House and listening to the things the members are saying on an issue that is as important as this. I think he has shown a great deal of arrogance, and I think the people of Ontario have reason to be concerned with what the Attorney General is doing in the House. I do happen to agree with what the Attorney General had to say in his speech, however.

**Mr. D. R. Cooke:** You haven't got anything to say; 10 minutes ago you didn't have a speech.

**The Deputy Speaker:** Order, please.

**Mr. Cousens:** Mr. Speaker, would you take this member, who is not even in his own seat, and have him not do what he is doing?

Interjections.

**The Deputy Speaker:** Order, please. One member at a time.

**Mr. Cousens:** I just have to say in beginning this that we are dealing with a subject of great public confidence; it has to do with the Attorney General's department and the Attorney General is not even in the House; I wanted to make note of that.

I also would like to comment on the remarks that were made by the member for Scarborough

North (Mr. Curling) when he was talking about the eloquence of the Attorney General. Until now we have not had a great deal of eloquence, but I did hear what the Attorney General had to say and agreed with him in principle and, in large part, with the position that he was taking with regard to the recommendations that are defined in the New Democratic Party special motion. I do agree that the Attorney General is correct that if we were to establish an independent prosecutor and a process of independent investigation to deal with actions, it is certainly a process that is outside of the jurisprudence tradition of our democracy and the democracies that we have been associated with.

**Mr. D. R. Cooke:** So you disagree with Norm Sterling?

**The Deputy Speaker:** Order, please.

**Mr. Cousens:** I would therefore like to comment on a number of the other issues that come out of this.

I have to say, Mr. Speaker, I take great offence. We have an honourable member who is not sitting in his own seat and yet is participating. He is sitting in the seat of the Minister of Consumer and Commercial Relations (Mr. Wrye) and he is making interjections. Would you please do your best to try to control the Liberals in the back benches who are trying to move to the front benches and really do not have that much to offer but do have a way of making their points get on Hansard? It is probably the only way they can make speeches.

There is a crisis in public confidence, and that crisis is probably the concern that led the New Democrats to bring forward this motion. I am concerned, as I know all members of this House would be concerned, with what is happening, and certainly the perception that we have in reading the newspapers, with Constable David Deviney being charged after this incident, the delay that took place before he was charged and the fact that two Peel constables have also been charged after a recent incident. It has led to a public perception that is indeed a great concern to all of us.

In that light, I think we have to face up to certain things. In his remarks, the Attorney General admitted that the situation is deteriorating. The fact he admits that is indeed, I think, a step forward. I would hope that he would have something in mind as to how we, as legislators, can work towards addressing the concerns that are coming forward from everybody.

The media, certainly within my own community, are saying, "What is happening?" The

confidence within the public at large in the Attorney General or his conduct, or what is happening within his ministry, is causing people who have been active within the police system and in the protection of the public in this province in the past to say: "This would not have happened several years ago. What is there now that is leading these events to be going out of control the way they are? Does it have to do with the leadership that is within the Ministry of the Attorney General?"

I am concerned with some of the points that are raised. In fact, when you have the independence of the Attorney General, as described by him earlier, it still raises very serious concerns as to how far this independence can go and the immunity with which he will act.

I just do not know how to handle all this, and neither does the public at large; that is why we have a question before ourselves today. What can we, as legislators, do to instil more public confidence in the judicial system? What is there that we can do to help rectify a situation that seems to be worsening, if there is such a word in the English language?

I have more questions; I do not have too many answers on this whole series of events.

Why the delay of approximately five months in the placing of charges? I just have not had anyone explain to me with any kind of reasoning that I can fully understand why there was such a lengthy delay.

I would also like to know, was there any pressure that was placed on the Attorney General or his ministry? I think that is one of the things that seems to happen. People are wondering whether the Attorney General's officials, who seem to be the ones who responded to the outcry, were doing this as something they really felt they had to do, and if they felt they had to, why it is they did it.

Certain senior crown attorneys' recommendations that there not be charges placed were overruled by the Attorney General's staff. I just ask, then, why they were overruled. I guess, as the Attorney General said earlier, that will come out in the court case.

Are there other issues within the system or within society that are contributing to this lack of confidence we are now seeing, this crisis of confidence? I am just concerned that there is a problem developing which, unless we had this debate today—and most of us are laymen. I am not a lawyer. The few lawyers who are here, I suppose, will speak, but as the general public is being represented by legislators, I respect the fact



that I am getting complaints, concerns and worries from the public at large who are saying, "I want to be supportive of the police, I want to be supportive of the system, yet what is happening is causing me to think that there might be something wrong."

I would like to be satisfied that the Attorney General is paying attention to these worries and these concerns. He has come into the House now, but I think the only reason he is here is that—

**Hon. Mr. Scott:** I didn't know you were speaking.

**Mr. Cousens:** I know. What I have to say probably is not that important to the minister. It just represents one of 130 ridings.

The fact that I happen to agree with the general thesis of his presentation today is one thing. The concern I have on the other is, what can we do to restore the confidence of the people of Ontario in the whole judicial system and in our police force? If there is anything that is a crisis, it is that. It is probably the only thing I agree with in the New Democratic Party motion, that there is a crisis of confidence. The moment those scales tip, even in the slightest degree, then we as legislators have to be sensitive to it.

If the Attorney General can come up with some suggestions and report back to all of us in the House, I would appreciate having any kind of statement made by him that can help satisfy the concerns all of us are raising in this emergency debate today.

I do not think the minister can operate in isolation and in immunity to the groundswell of concern that is happening. I hope we can bring it under control. I hope we can satisfy the questions that are being raised. I would be most grateful if the Attorney General would look at the record, at some of the questions I have raised and possibly share some answers with me.

This is a concern. Because of the fact that we in Ontario have such a great tradition to be proud of, we should work to make sure we contribute to building a stronger Ontario, a strong judicial system and police that are there doing their jobs who have great public support for what they are doing. When there are problems, let us work together to try to solve them. Let's not have them come up and surprise us and cause us to have this kind of debate again in the future.

**Mr. Kormos:** I have no difficulty agreeing with the content of the motion to the effect that there is a crisis of public confidence. Quite frankly, the crisis of public confidence originates from within the civilian members of the public as it does from within the policing public. There has

been talk of complaints received, and I have heard as many complaints from police officers as I have from civilians or non-police-officers in the community.

One of the problems perhaps related to the most recent charge, that is, the charge laid against a Metropolitan Toronto Police officer, is the mixed messages that the community and even we here in the Legislature have been getting. I did indeed listen very carefully to what the Attorney General had to say earlier this afternoon. I recall a question asked of the Solicitor General as recently as last week. That was interesting as well, because as it turns out, when the Solicitor General was asked last week when a decision would be made as to whether to charge the Metro police officer in the Donaldson shooting, some five months having passed since the shooting, indeed the charge had not only obviously been sworn or laid but the process had occurred the morning that question was asked here in this assembly.

**1710**

It was remarkable not because the question was asked too late but it was remarkable that—notwithstanding that the decision obviously had been made, and not only had been made but had been developed to the point where a charge was laid and that process was undertaken—the Solicitor General, in response to the question in this Legislature, clearly had not known that the decision had been made, had not known that charge had been sworn and had not known that process had issued because her response was, "Well, the decision will be made shortly."

Indeed, if the timing of the question was inappropriate, the timing of the answer was even less appropriate because she had no idea of what had been happening. It had already happened and she could only promise a decision to be made somewhere down the road.

As well, when I speak of mixed messages, a part of that question was the matter of who was making the decision. The source of confusion and, in my submission, what accounts for at least some of the crisis in public confidence is really the development of a cynicism that has been growing for some time here in this province. It is not purely a Toronto matter, because the cynicism that has developed has not been developing just in Toronto or just among racial minority groups. It has been developing in communities across the province.

The press reports, including one of the more recent ones, on January 4, indicated that an investigation had been made by the Metropolitan

Toronto public complaints commission and that it was awaiting a decision on whether or not charges would be laid; one week later, on January 11, they said that the Ontario Provincial Police was considering whether or not to lay charges. The thrust of that article in the *Toronto Star* was that the OPP would make the decision.

At the same time, in an earlier article dating back to August of last year, it was indicated by OPP Detective Inspector Howard Williams that senior crown attorney Chris Meinhardt will decide whether or not charges will be laid against Metropolitan Toronto Police Constable David Deviney.

Surely if that comment were to have been made by a constable on the street, he or she could be excused by virtue of not knowing the process to be incorporated. In this particular instance dealing with the detective inspector, somebody who obviously was responsible for overseeing or pursuing the investigation itself, when the clear message is that the Attorney General's office is going to decide whether or not charges are going to be laid, we in the community have not just an opportunity but can come to no other conclusion than that this is how the process is taking place. That conflicts so thoroughly with subsequent comments to the press by the OPP, which says that it merely has received recommendations but the decision is pending—which suggests that it indeed is going to be making that decision.

One of the sources of cynicism and indeed one of the sources of crisis—and that has been talked about here already—is the matter of the significant delay in deciding whether or not charges are to be laid. There are people here who will know full well that the courts have decided that a delay in prosecution after a charge has been laid is significant in that it deprives an accused person of the right to defend himself.

That is why the Charter of Rights guarantees trial within a reasonable period of time, or what is colloquially known as a speedy trial. The courts have at the same time indicated that a delay in mere prosecution—that is to say, before the charges are laid—is not one for which the state can be held accountable, notwithstanding that the same difficulties in defending oneself exist when there is a delay in the charge being laid as when there is a delay in the prosecution of a charge that has already been laid.

The cynicism that is being spoken of is cynicism among police officers who recognize that in the case of the Donaldson shooting a Metro police officer had to live for a period in excess of five months with the threat of the

prospect of criminal charges and with the knowledge that his ability to defend himself or to properly pursue the facts was going to be affected, or at the very least infected, by the process of time between when the incident occurred and when the charge was actually laid. Yet he, because of the nature of the beast, was not going to avail himself of any charter defence.

The lack of public confidence has been documented by this very government. In February 1988, the Solicitor General and the Lieutenant Governor signed an order in council which created the Commission of Inquiry into the Niagara Regional Police Force. One of the terms of that order in council was "Whereas the expression of such concerns"—admittedly it says "may have resulted"—"may have resulted in a loss of public confidence in the ability of the force to discharge its law enforcement responsibilities...."

Here was an opportunity the government had to actively seek out and pursue those areas in which the public had lost confidence, those areas which could be highlighted as areas where the public has lost confidence. It was an area where, at the same time, the government failed to (1) meet monetary obligations to the regional municipality of Niagara and (2) to pursue those avenues that were initially suggested to it by the Niagara Regional Board of Commissioners of Police. I am talking specifically of inquiries as to the role of the Ontario Police Commission, the office of the Attorney General, the office of the Solicitor General and earlier inquiries into the Niagara Regional Police Force.

It is a matter that is of as much concern to members of the public as it is to police officers specifically. The impression is that justice is not being done. That is an impression that has to be rectified, that has to be corrected. I would submit that the government (1) should be aware of that impression on the part of the public and (2) should be ready to remedy it.

If it requires creating an independent body to conduct investigations and prosecutions, then the government should be ready to investigate that. But it remains that neither the public nor the police in the communities across the province are pleased with what has been done to date. That has to be stood up to and responded to by the government.

**Mr. Wildman:** I am pleased that the House has allowed this debate on a very serious matter. It is a matter that none of us in the assembly should take lightly. As many members will know, I personally and my party have long



advocated a system of civilian review of complaints related to policing in the province. We welcomed the decision by the government some time ago to initiate such a review for Metropolitan Toronto.

We had always expected that that would lead to a system which would be expanded across Ontario to other municipal police forces, and not just to municipal police forces but also to the Ontario Provincial Police, not because we do not have confidence in the integrity of the police in carrying out their work in protecting public safety in the province, but because we understand, as I think most people do, that in any situation where you have possible differences of interpretation with regard to the enforcement of the laws of the province, you can have some very difficult situations develop.

As we have seen in the province, police are seen by some people, perhaps a significant group of people in the community, as being overzealous or not as cognizant as they should be about the rights of individuals or groups. At the same time, you may have the police themselves concerned that they are not being properly equipped to carry out their responsibilities in enforcing the laws of this province and of the communities in Ontario.

I come from an area of the province in northern Ontario where we have a very serious difficulty. I know my friend the member for Port Arthur (Mr. Kozyra) will recognize, as will other members from northern Ontario, that there is a difficult problem in ensuring that the visible minority—which in our part of the province is largely the native community, whether they be treaty Indians or Metis or nonstatus Indian people—is properly represented in the police and that its concerns are properly represented in terms of policing in Ontario.

1720

I think it is a tragedy that when one does a survey on the jails in northern Ontario, one discovers a very high percentage of Indian inmates, completely out of proportion to the total of Indians in the population. I must emphasize that I have done no scientific survey on this; I am just saying what I am saying from my own experience.

I must say that the reasons we have so many native people in our jails and so many of them return to jail after being released are that our justice system does not properly deal with the native culture; that native people themselves are not aware of their rights, and, I submit, that perhaps they are not well enough represented

within the police forces. Certainly they are not well enough represented on the bench or at the bar. I mean "the bar" in a certain sense. I always find it very strange that lawyers use that term.

There have been efforts by governments, both federal and provincial, over the years to try to get Indian policing into the hands of the bands themselves in terms of native people and treaty people. We have the band constable program. It is a very good program. It is an effective program, because one has a member of the community trained in policing and community relations who can deal with problems within the community without having, in many cases, to call in people from outside who may not have the same understanding of the culture and the community.

That is a step forward, but it is a very small step. There are many bands, many Indian communities in this province, that do not have their own constables. They do not have the funds for the constables. The federal government is not providing more funds to expand the program. The provincial government has expressed some interest in doing so, but has not been able to get agreement from the bands to proceed.

I think that kind of program is an example of a very small step in what we should be doing across Ontario to improve the confidence the people have in the police and the understanding that the police have of the community they serve.

I saw recently in a television report the percentage of visible minorities who are represented on the Metropolitan Toronto Police Force in this community. I was surprised at the very small percentage of blacks and Asians represented among the police in this city. We are a multicultural, multi-ethnic and multiracial community, particularly in this city, but we are becoming more and more so across Ontario.

I think the experience we have seen in other jurisdictions, in the United States, Great Britain, Europe and certainly in other parts of the world, is that in that kind of community one must ensure that the police reflect the community. The police must never become a minority within the community in the sense that they see themselves as separate from the community rather than representative of the community.

The experiences we have seen in Metropolitan Toronto, Mississauga and other areas in southern Ontario over the last few weeks alarm me because they give me the impression that we may be on the way to developing a situation where the police do not see themselves as representative of all the elements in the community. Certainly

those different groups within the community do not see the police in that way.

It reminds me of the situation we have oftentimes in northern Ontario and other parts of Canada, the division between the native community and the police and the native community and the justice system. We have had investigations in Nova Scotia in that regard. We now have a commission involving one judge who is of native extraction and another judge in northern Manitoba who are travelling around northern Manitoba and finding out exactly how the Indian community in Manitoba sees the justice system and sees the police. It is not a pretty picture.

We should be moving farther to respond to those problems in the northern part of our province and in the bands and the reserves in southern Ontario as well, but at the same time we should not be allowing that kind of relationship or lack of relationship to develop between the blacks or the Asians and the other visible minorities and the police in southern Ontario.

We have a chance here to move forward to ensure that the police represent the community they work for and that the people see them as representing them, or we have the chance to have further violence and difficulty between the police and the community.

**Mr. Villeneuve:** I, too, rise to participate in this debate with a degree of reluctance and apprehension. We in rural eastern Ontario certainly look towards our police to solve many of the problems which some of our municipalities and some of our local residents have problems with. I personally have many friends in municipal police forces and the provincial police force, as well as knowing several in the Royal Canadian Mounted Police. I personally have a great deal of admiration for the police, always remembering that they, like you and me, Mr. Speaker, are very human and subject to the frailties of being human.

We have had some experiences, as the member for Algoma, my predecessor in this debate, mentioned. We have a fairly large community of native people just south of the city of Cornwall. They live on a reserve. They are the Mohawk people, the Akwesasne band. We have had a number of problems, which I believe were handled very well by a number of police forces, including the Akwesasne's own police force on the island of St. Regis.

However, as members may know, we are talking about a problem that appears to have polarized, a major problem developing into both a perceived political problem and a problem of

policing. Visible minorities very often react in a much different way. Minorities have people who were not born and raised here in Ontario and Canada—indeed, North America—and who react in many different ways to what we, as people who accept many of our traditions, our folklore, would take for granted.

I believe there is a communication problem, but never in the history of Ontario has an Attorney General been asked to resign his position by a police department. It is to the credit of the police department that it has continued to do its duty in spite of a great deal of pressure that has been brought on it, both as a police force and as individual members who are now being singled out, singled out in a way that concerns us all.

**1730**

I think that when we speak of the treatment of visible minorities in Canada, in Ontario, we always have to be very sensitive to a situation that can create problems because of a communication breakdown, a lack of knowledge of what makes a race or an individual who is not familiar with our customs here in Ontario—what makes that individual tick.

As we discuss some of the problems that are being faced by both the black community here in the city of Toronto and those responsible for law and order, we come to a very major dilemma. There have been some rather long waits by both our minorities and our people charged with enforcing the law. There has been a long wait. Anger has crept in, in a rather quiet fashion, and we now have a very volatile situation that will wind up in the courts. It is a rather sad situation in that it has become, to a degree, politicized.

I can recall sitting on the other side of the House with another Attorney General of a different political stripe who always spoke of the fact that if any political position should not be politicized, it was very well that of the Attorney General, the AG of the largest province in Canada, the one responsible for law and order in the province.

I remember speaking to Roy McMurtry at a time when I believe he was running for the leadership of our party, and having a great deal of respect and admiration for the man because he had been, in his many years as Attorney General, to some degree above the political hassles that tend to occur and revolve around politicians both in this chamber and outside, particularly at election time.

I think I can understand the dilemma, and I can also understand that the long wait faced by our



visible minorities waiting for what they perceive as justice, by the individuals—remember, these are human beings who operated and who operate as professionals but are also subject to the stresses of being human beings.

As politicians, we sometimes tend to try to bite our tongue and do something only after giving it serious consideration and thought. The police very often have to make a very quick and split-second decision, a decision that sometimes can be the right one and sometimes can be the wrong one. They are mere mortals, as we all are, and therefore we have to remember that the decision, right or wrong, is hopefully always done with good intentions.

I find it somewhat amazing that the members of the Liberal Party are not participating at their regular turn in this debate. I realize it was not brought forth by that particular party.

I found it strange when I was debating last week on policing and security around our court system that the bill was brought in by the Liberal government. Many, many negative things are being said by our local municipalities. I certainly hope to bring forth some of the concerns expressed to me by some of our municipal officials on the weekend. Again, we have our Liberal members putting out great reports to constituents saying how great the legislation is that is being brought forth by different ministries, but they do not seem to be willing to participate in the debate when it touches rather negatively on many of the areas and many of the people they represent and speak for. Therefore, I find it somewhat strange that we have limited participation by the Liberal frontbenchers and backbenchers in this particular debate.

The member for Ottawa South (Mr. McGuinity), who is in the chamber today, had no hesitation in bringing forth a private member's motion saying how well he and his members of the eastern caucus had been doing over the past period of time. I was sorry, I say to the member for Ottawa South, that I was not able to be here that morning because I could have brought him several areas—as a matter of fact, quite a number of areas—that are of concern to me and have not been addressed in any way, shape or form by this government since taking office in 1985.

In conclusion, I find it somewhat worrisome to have to participate in this emergency debate today, one that has polarized and a lot of which is probably perception, but perception tends to become reality if it is spoken of and discussed often enough because someone says, "I hear that this is happening," or, "I hear that is happening,"

and someone says, "No, it's much worse than that."

I think we all know what can happen in some of the situations that may or may not be factual. Once they get bandied around, it turns out to be a negative situation for all concerned. I think this is what we are facing in the situation, a very volatile situation that both our visible minorities and, I think, our very valiant and capable police forces within Ontario are faced with in the immediate future.

The courts will inevitably decide, as was mentioned by the Attorney General in answer to a question today. The courts have a way of taking a rather long period of time. There is an old saying that time heals everything. Well, time, I am afraid, will not heal some of the rather deep divisions we have facing our municipal, provincial and federal police forces, again, I remind members, all being manned—I say "manned" in the broad sense because we have many ladies who are now members of our constabulary.

I think we have to respect these people very much because they have a job that those of us who sit in this chamber could probably not do nearly as well as those who are doing it today.

**The Acting Speaker:** Are there other participants in the debate? There are no other participants in the debate, so the debate is thereby concluded.

#### ORDERS OF THE DAY

House in committee of supply.

ESTIMATES, MINISTRY OF HOUSING  
CRÉDITS, MINISTÈRE DU LOGEMENT

**Hon. Ms. Hošek:** I am pleased to present to the House today the estimates for the Ministry of Housing for the fiscal year 1988-89. Housing is a top priority in this government, so I am confident that the hours we are going to spend together in debate will be both constructive and productive. I welcome the opportunity to discuss the goals and achievements of the ministry and I look forward to hearing your ideas and suggestions.

Before we begin to deal with specific items, I would like to remind members this government has a specific housing policy that is guided by a commitment to provide adequate and broadly affordable housing for Ontario residents. To do that, it is important to recognize that what we have been doing this year, and continue to do, is the result of a fundamental shift in philosophy and policy initiated by this government when it took office.

Our actions are part of a long-term, comprehensive strategy. I want to talk about the major components of that strategy right now. We have been driven by a concern for the lack of affordable accommodation and we recognize that accessible housing is necessary to keep our economy strong and therefore we set to work to assume a more active and responsible role.

#### 1740

Here let me say that the concerns about housing should really affect not just the people who are concerned about the effect of housing needs on people of very low income, but also on people of moderate income, many of whom are finding it very difficult to begin to achieve the housing goals they have set for themselves.

If we live in a province in which a significant number of people feel that their dreams about home ownership are threatened, I think that has a significant economic impact on the province as a whole and on their commitment to their life plans and the economic work that they plan to do.

The first step that was taken by this government was to establish a separate Ministry of Housing with sole responsibility for the provision, maintenance and protection of affordable housing in Ontario. After doing that, the government began to develop a housing strategy that would be comprehensive, co-ordinated and responsive to public needs. To do this, we focused on three crucial areas: housing supply, protection for renters and partnerships with municipalities and with the building industry.

On the supply side, we have made significant inroads. We have taken over primary responsibility for the provision of social housing from the federal government, which used to be responsible for this fact of Canadian life. We have assumed a much greater financial role. As the need for such housing continues to grow, while federal commitments continue to lag, we have stepped in with programs funded entirely by the province.

On the rental housing front, we have taken decisive action to preserve the existing supply of rental housing by halting indiscriminate conversions, demolitions and luxury renovations of rental housing stock. We have introduced a new rent review system to provide fair treatment for both tenants and landlords, and we have extended that review process to include virtually all the rental housing that exists in this province.

But to build housing we need partners. We have made considerable headway in opening the lines of communication and developing an atmosphere of partnership with the community.

We have successfully invited different sectors of the community to share the responsibility of providing housing. As a result, we have forged new partnerships with municipal and private nonprofit groups, municipal governments, other provincial ministries, the private sector and also the federal government.

Maintenant que j'ai exposé les grandes lignes de la stratégie, permettez-moi de vous donner des exemples précis. Comme je l'ai indiqué ci-dessus, notre ministère a, maintenant plus que jamais, pris à sa charge un plus haut niveau de responsabilités pour la création de logements à but non lucratif partout dans la province. Non seulement nous avons assumé toute la responsabilité administrative des programmes conjoints fédéral-provincial, avec une importante augmentation du rôle que nous jouons dans le partage des coûts, mais nous parrainons aussi des programmes subventionnés uniquement par la province.

En vertu de cette combinaison de programmes, il me fait plaisir d'annoncer que, pendant l'année qui vient de se terminer, nous avons lancé des programmes qui doubleront la mise en oeuvre des logements à but non lucratif dans cette province.

Homes Now, which was first announced in the April provincial budget, is the largest nonprofit housing initiative ever undertaken in Ontario. It will provide \$2 billion in low-cost financing, out of the Canada pension plan funds, for the creation of 30,000 homes over the next three to five years, enough to fulfil the housing needs of about 90,000 people in this province. Just to give people a term of reference about this: If all those homes were built in a single community, that community would be the size of Oakville.

We launched the program in October, after extensive consultations with nonprofit producers across the province, our partners in the program, to create a delivery system that will ensure these units are produced as quickly as possible. We have already announced multiple project allocations, totalling 3,000 units, to four major producers of nonprofit housing with proven track records, and further allocations are pending and will be announced as soon as they are made.

Up to 70 per cent of those 30,000 units will be occupied by low-income tenants, who will pay rents based on their incomes rather than on the size or the type of the unit they require.

Homes Now is our biggest nonprofit production initiative to date but it is not the only one. Two other unilateral provincial housing production programs previously announced continue to



move forward this year. Under a special unilateral provincial nonprofit housing program, a total of 47 nonprofit housing organizations in 22 municipalities were given the go-ahead to produce more than 4,000 housing units for low- and moderate-income households including families, seniors, childless couples and singles of various ages.

Unit starts and completions continue to climb under Project 3000, which is a special provincial initiative designed to produce rental housing specifically for people with physical, developmental and psychiatric disabilities, for homeless individuals, for battered spouses and for low-income single people.

These unilateral programs are in addition to the nonprofit housing units which we provide together with the federal government through the federal-provincial nonprofit housing program. Under that program, we made allocations this year for about 7,000 units to be built. Unfortunately, the federal government has not seen fit to honour its full commitment for the 1988 allocations. We are continuing to work with our colleagues in Ottawa to resolve this very serious shortfall.

Whenever I talk about nonprofit housing, people have one main question: When will they be built? When can people move in? Though we cannot expect these buildings to go up overnight, we have made significant achievements already. Just recently, I participated in opening ceremonies in the city of Trenton for a beautiful nonprofit town house and apartment development. The Minister of Tourism and Recreation (Mr. O'Neil), in whose riding the project is located, joined me at the party to celebrate the opening, as did all the volunteers who worked so hard to make sure the project got built.

Looking around that room, one saw how many people in the community it took to get that project started and completed, how much community support had been garnered in the process, how much public education had taken place, so that many more people in the community now understood the housing needs of the community better and had put forward their own efforts to make a difference. For every single project we fund, there is a nonprofit group of volunteers working very hard to bring the project to fruition and a community that has thought through the question of the housing, has been educated about it and has worked actively with a nonprofit group to help bring it about.

Permettez-moi de faire une observation au sujet du genre de logements que nous créons dans

la province aujourd'hui. Je suis fière non seulement de la quantité de logements créés, mais aussi de la qualité de ces logements. Nous travaillons avec des organismes et des groupes locaux — comme nous l'avons fait à Trenton — pour aider la communauté à répondre à ses besoins en matière de logements. Nous leur donnons des fonds et des subventions pour combler la différence qui existe entre le prix des logements et ce que les gens ont les moyens de se payer.

Il est important de noter que c'est la communauté qui crée les logements, qui les construit et qui en assure la gestion. C'est pourquoi nous avons un mélange sain de gens avec des antécédents différents au point de vue social, ethnique ou financier, et ces gens vivent ensemble comme voisins et amis.

It is important that as a result of our nonprofit housing we are creating communities, communities with mixed-income residents, some of whom get significant support with their rent, some of whom get little support with their rent and some of whom are able to pay the rent that would normally be charged in that building. We are also helping the community build an integrated location where people of various incomes and ethnic groups can live together in harmony.

As members know, building housing depends entirely on one other extremely important factor; that is, finding suitable land. In this area as well we are taking very significant steps. Housing First is our provincial government policy and it targets that all appropriate surplus government lands will be used for housing. Working with the Ministry of Government Services, we are releasing those lands on a site-by-site basis and we require that on those lands at least 35 per cent of all the housing that is developed will be broadly affordable.

#### 1750

This year, under the policy of Housing First, we have committed nine sites, including one in Mississauga, one in Stoney Creek and one in Guelph. There are six in Metropolitan Toronto: one in North York, one in Scarborough, two in Etobicoke and two in the city of Toronto. All of these sites will be used for the creation of affordable homes.

We are also actively encouraging other levels of government, including municipalities and the federal government, to adopt policies such as our own Housing First policy with their own land. I am extremely pleased that one very major landholder, Metro Toronto, has made the commitment to make its lands available for Housing

First, but so far our efforts to evoke a similar commitment from the federal government have been much less successful.

An exciting example of the kind of land and production initiative that we are interested in encouraging is the agreement that we worked out with the city of Toronto last July. The province and the city will work together in a \$1-billion housing development which will transform 70 acres of underutilized industrial land in downtown Toronto to provide homes for about 12,000 people. This project, which is called St. Lawrence Square, will add between 6,000 and 7,000 units of housing, and will include homes for seniors, families and people with special needs.

Approximately 60 per cent of the housing in St. Lawrence Square will be affordable to low- and moderate-income earners, who will be expected to pay no more than 30 per cent of their income on housing. The city will fund the project through loans, which will be guaranteed by the province.

I would like to move on now to talk about another of our very important actions. This is really crucial. With the Ministry of Municipal Affairs, we have initiated a draft policy statement on housing and land use which will fundamentally change the way communities are planned and built in the future. When it is implemented this spring, our policy will provide a clear statement on housing under the Planning Act.

This is a tough and comprehensive policy. It requires municipalities to plan for an increased supply of residential lands. We are asking municipalities to plan for the development process and to make sure that a supply of land available for building is kept at the ready at all times so that there will not be the kind of congestion and backlog in the flow of land into the building process that we have found, especially in areas of high need and high growth at the present time.

We are also expecting that the official plans of municipalities will be required through the planning process to ensure a full range of housing types in the community, and include in those housing types a minimum of 25 per cent broadly affordable housing in all new residential development. What that means—I think this is a very important breakthrough—is that instead of letting the building and planning process go on as usual, with its tilt towards providing housing at the upper end, at the more expensive end and leaving the housing for moderate income people to either a haphazard or a rather sketchy process, from now on the planning and building process itself

will have built into it the requirement that housing for people of low and moderate income be built as part of the development of any major municipal neighbourhood.

Instead of people of low and moderate incomes being, as they are now in many cases, an afterthought to a building process and a planning process that has become largely responsive to the upper end of the marketplace, from now on under this policy, people of low and moderate income and the housing that serves them will be built into the building and planning process from the very beginning.

I cannot really overestimate the importance of that fundamental shift in the way in which we plan and the impact of that shift on our housing needs in the future.

Plans will be required through the planning process to ensure a full range of housing types in all communities, including a minimum of 25 per cent broadly affordable housing in all new residential development. The policy also requires municipalities to adopt strategies to increase housing supply by making better use of the stock of housing we already have. This is an area of incredible opportunity. For instance, we know there are many opportunities for the creative use of existing housing. Infill, conversion of underutilized commercial and industrial properties and the conversion of single-family homes to increase rental accommodation all offer the potential to create thousands of rental units across the province.

The other important thing about this is that in many communities across the province now our housing stock is in fact being underused. The irony of that taking place at the same time as housing needs being so great is not lost on anyone in the ministry, least of all on me. In many of the communities I am talking about, what we have is an infrastructure of roads, schools and sewers which was very expensive to build and invest in and which is being underused because the number of people inhabiting those buildings is much less than the community was originally planned to hold. We are asking municipalities to indicate areas in their communities where greater use of the housing stock could be expected and to designate the ways that will happen in their communities.

The importance of our policy statement is truly far-reaching. It will ensure that we build housing for people of different income ranges right from the planning stages. We know from experience that it is poor planning to do it any other way. In practical terms, it will mean that children are



much more likely to be able to start raising their own families near the neighbourhoods where their parents live, that workers who provide services to our communities will be able to afford to live near those communities instead of having to commute extraordinarily long distances and that communities will be made up of all kinds of people reflecting society at large.

This draft policy will fundamentally alter the way planning for residential uses is done in most urban areas of Ontario and will provide the basic framework for most of our policies and programs to come. Equally important, the draft policy statement reflects our commitment to work closely with municipalities to streamline the planning process and reduce the time it takes to approve planning and development applications. In the building industry, as we know, time is money. The policy statement is sensitive to this fact and addresses it.

As required by the Planning Act, we are also consulting with municipalities and interested groups across the province. As I said earlier, our goal is to put the policy statement into place, finally, this spring.

While I am talking about provincial and municipal co-operation, let me say how pleased I am that our efforts have secured joint agreements with two municipalities this year. These agreements, which are framework agreements to work together to meet mutually agreed upon goals in relation to housing, are with Ottawa and Peterborough and represent our mutual commitment to work together for broadly affordable housing.

While similar agreements are being negotiated with other municipalities, I want to stress that our role as a partner is not limited to municipalities. One of the highlights this year was the agreement between my ministry and the Roman Catholic Archdiocese of Toronto to provide broadly affordable housing on church lands. His Eminence, Gerald Emmett Cardinal Carter and I signed the agreement just before Christmas, marking the first such agreement by the province and a major religious denomination. The agreement will result in the speedy creation of more than 800 housing units on church lands identified by the archdiocese as suitable for housing. In addition, under our nonprofit programs we will set aside a reserve allocation of units for the archdiocese.

We are confident that the archdiocese will be a major contributor to the supply of nonprofit housing in the greater Toronto area. I am particularly pleased about this agreement because it illustrates a point we have been making for a very long time, that providing adequate and broadly affordable housing is not solely the responsibility of governments. Partnerships like this one are essential if we are to make progress in meeting the housing challenge.

Today, there are already more than 50,000 nonprofit housing units in Ontario, sponsored by hundreds of nonprofit community groups, municipal nonprofit corporations and housing co-operatives.

On motion by Hon. Mr. Sweeney, the committee of supply reported progress.

The House adjourned at 6 p.m.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in  
 each issue. Lists of the members of the executive  
 council, parliamentary assistants and members  
 of committees, brought up to date as necessary,  
 are published in Hansard in the first and last  
 issues of each session and on the first sitting day  
 of each month.

# CONTENTS

Monday, January 16, 1989

## Members' statements

Sale of cigarettes to minors, Mr. Allen .....	7285
Microbrewery products, Mr. Runciman .....	7285
Gilbert, Albert and Marcel Vankerrebroeck, Mr. Tatham .....	7286
Police shooting, Mr. D. S. Cooke .....	7286
Hospital services, Mrs. Marland .....	7286
Fred Troughton, Mr. Offer .....	7287
Reactions to vaccines, Mr. Hampton .....	7287

## Statements by the ministry/Déclarations ministérielles

Services collégiaux en français, l'hon. Mme McLeod .....	7288
French-language college services, Hon. Mrs. McLeod .....	7288
Pay equity, Hon. Mr. Sorbara .....	7289
Driver examinations, Hon. Mr. Conway .....	7290

## Responses/Réponses

Services collégiaux en français, M. Allen .....	7290
Pay equity, Mr. B. Rae .....	7291
Services collégiaux en français, M. Villeneuve .....	7291
Driver examinations, Mr. Cousens .....	7291
Pay equity, Mr. Sterling .....	7292

## Oral questions

Investigations of police activities, Mr. B. Rae, Hon. Mr. Scott .....	7292
Pay equity, Mr. B. Rae, Hon. Mr. Sorbara .....	7293
Police shooting, Mr. Sterling, Hon. Mr. Scott .....	7294
Hospital services, Mr. Eves, Hon. Mrs. Caplan .....	7296
Rent regulation, Mr. Breaugh, Hon. Ms. Hošek .....	7297
Metropolitan Toronto Housing Authority, Mr. Cousens, Hon. Ms. Hošek .....	7298
Municipal funding, Mr. Adams, Hon. Mr. Eakins .....	7298
Police pursuits, Mr. Kormos, Hon. Mrs. Smith .....	7299
Social assistance, Mrs. Cunningham, Hon. Mr. Sweeney .....	7299
Sale of alcoholic beverages, Mr. Chiarelli, Hon. Mr. Wrye .....	7300
Northern health services, Mr. Hampton, Hon. Mrs. Caplan .....	7300
Crop uses, Mr. Villeneuve, Hon. Mr. Riddell .....	7301
Employment adjustment, Mr. Neumann, Hon. Mr. Sorbara .....	7302
Abandoned rail lines, Mr. Farnan, Hon. R. F. Nixon .....	7302
Inter-City Gas Corp., Mr. McLean, Hon. Mr. Wong .....	7303

## Petitions

Teachers' superannuation, Mr. Beer, tabled .....	7303
Police shooting, Mr. D. S. Cooke, tabled .....	7303
Foster parents, Mr. D. S. Cooke, tabled .....	7304
Church of Scientology, Mr. Velshi, tabled .....	7304
1987 constitutional accord, Mr. Velshi, tabled .....	7304



**Private member's motion**

<b>Motion to set aside ordinary business</b> , Mr. Reville, Mr. Sterling, Hon. Mr. Conway . . .	7304
<b>Investigations of police activities</b> , Mr. Breaugh, Mr. Runciman, Hon. Mr. Curling, Mr. B. Rae, Mrs. Marland, Hon. Mr. Scott, Mr. Hampton, Mr. Reville, Mr. Cousens, Mr. Kormos, Mr. Wildman, Mr. Villeneuve . . . . .	7307

**Committee of supply/Comité des subsides**

<b>Estimates, Ministry of Housing</b> , Hon. Ms. Hošek, progress reported . . . . .	7325
<b>Crédits, ministère du Logement</b> , l'hon. Mme Hošek, ajournement de l'étude des crédits .	7325

**Other business**

<b>Visitors</b> , Mr. Speaker . . . . .	7285
<b>Legislative pages</b> , Mr. Speaker . . . . .	7285
<b>Visitor</b> , Mr. Speaker . . . . .	7285
<b>Martin Luther King</b> , Mr. Velshi, Mr. Cousens, Mr. B. Rae . . . . .	7287
<b>Visitor</b> , Mr. Speaker . . . . .	7288
<b>Adjournment</b> . . . . .	7329
<b>Alphabetical list of members</b> . . . . .	7330







CA 20N  
x1  
-D23

Copyright  
1989

No. 131

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**

Tuesday, January 17, 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan



## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, January 17, 1989

The House met at 1:30 p.m.

Prayers.

## ANNUAL REPORT, ONTARIO FRENCH LANGUAGE SERVICES COMMISSION

**Mr. Speaker:** I wish to inform the House that I am today laying upon the table the annual report of the Ontario French Language Services Commission for the year ended March 31, 1988.

## MEMBERS' STATEMENTS

### IRRADIATION OF FOOD

**Mrs. Grier:** Today, I will be introducing a bill that seeks to amend the Health Protection and Promotion Act. The bill's purpose is to prohibit the sale of irradiated food in this province.

The Ontario Liberal government has never made known its position, if it even has one, on the safety of irradiated food. Irradiation is a means of preserving certain foods by using cobalt 60, a byproduct of Candu nuclear reactors.

In May 1987, the federal parliamentary standing committee on consumer and corporate affairs issued a report that had the support of members of all three federal parties. The report's major finding was that there is currently not enough evidence to say that irradiated food is safe to eat. But in the fall of 1987, the federal Minister of National Health and Welfare, Mr. Epp, turned his back on the committee report and announced that the government would go ahead with proposed amendments to the food and drug regulations to make irradiation commercially attractive to Canada's food and nuclear industries.

Since then, there has been a groundswell of public opposition to these regulations across Canada. If any food retailer tried to sell an irradiated food in this country today, a consumer boycott would be a certainty. I think Ontario should give leadership to the other provinces by prohibiting the sale of this potentially unsafe food. Ontario can do so under the Health Protection and Promotion Act. If we did, we would be joining the United Kingdom, New Zealand and the state of Maine.

Ontario should ban the sale of irradiated foods.

## RETAIL STORE HOURS

**Mrs. Cunningham:** On October 17, this government put forth a motion to add a number of subsections to section 4 of Bill 113. As a result of this motion, each time a municipality considers passing a bylaw that will allow Sunday shopping, it must go through a very long and costly process to do so.

First, a public meeting must be held with respect to the proposed bylaw. Second, a notice of the public meeting must be published in a newspaper having general circulation in the municipality at least 30 days before the meeting is to be held. Any person who attends the public meeting will be permitted an opportunity to make representations in respect of the proposed bylaw.

We all are very concerned about the cost associated with these amendments. It is very expensive to organize, advertise and hold such a public meeting, especially for the smaller communities in this province. This notion is another example of the provincial government neglecting its responsibilities by passing the buck and the costs to the municipal government.

## VOCATIONAL REHABILITATION

**Mr. Adams:** I was pleased to see the new Workers' Compensation Board strategy to decentralize its medical rehabilitation services to provide community clinics, regional evaluation centres and a medical rehabilitation institute. It appears the board is addressing the problems of rehabilitating injured workers in a creative manner.

I was particularly interested in the concept of community clinics. These will provide physiotherapy and other services to injured workers. In my Peterborough riding, we have a catchment population of some 300,000 people. From the number of contacts made in my constituency office, I know there are significant numbers of injured workers in the area. I am also only too aware of the difficulties that arise when these workers have to travel away from home for treatment or other services offered by the board.

In addition to this, there are significant waiting lists for such outpatient services as physiotherapy and occupational therapy at both our local hospitals. Since Peterborough is a regional centre

for many agencies and services, I am hopeful we will soon find a community clinic established in the city.

#### ONTARIO LOTTERY CORP.

**Mr. Farnan:** Recently, the Ontario Lottery Corp. announced its decision that it would stop advertising its winning lottery numbers in newspapers across the province. The corporation currently spends \$2.4 million a year for advertisements twice a week in 42 daily newspapers to provide the official results for Wintario, Lot-tario, Lotto 6/49 and the Provincial.

This proposed change is more than just an inconvenience to the consumer of lottery tickets; it is an attempt by the Ontario Lottery Corp. to boost the sales of lottery tickets. Before proceeding with the test withdrawal of newspaper advertising, lottery corporation spokesperson Wendy Horne says, "We want our retailers to be ready to handle any changes before we go ahead."

Obviously, this new marketing strategy is to force lottery players back to the sales counter where they will purchase additional lottery tickets. While many enjoy playing the lottery games as an occasional flutter, this government should realize that it is the poor who spend the greatest percentage of their income on lotteries and that for many others gambling is a disease, a disease this government will be helping to promote by coercing the addicted lottery gambler to constantly return to the environment of his gambling habit.

I would advise the government to think through its proposed policy of withdrawing newspaper advertising of lottery results, bearing in mind the damage its initiative will cause to many Ontario families.

#### NATIONAL NONSMOKING WEEK

**Mr. Sterling:** I would like to take this opportunity to officially recognize National Nonsmoking Week. I was very pleased to note that my colleagues from both the opposition and government benches took the time during this week to offer their support for this initiative. I find this most encouraging.

In light of the apparent support for nonsmoking endeavours from all sides of this House, I have taken the liberty of giving each member of this assembly a sucker to commemorate National Nonsmoking Week and, in particular, Weedless Wednesday tomorrow. I encourage all members who are trying to lick the habit to attempt to do so tomorrow. "Lick the habit—only suckers

smoke," is an attempt to offer an alternative to the smoking habit and I invite anyone who is trying to break this habit to come to my legislative office for his own tobacco placebo.

The colour-coded treats come equipped with their own calling card reminding members not only of National Nonsmoking Week, but also that this Legislature has two very valuable pieces of smoking legislation, Bill 157, my bill, and Bill 194, the bill of the Minister of Labour (Mr. Sorbara), awaiting passage.

I am confident this Legislature, through its statements of unqualified support, will legislate these initiatives with perhaps a few amendments in the very near future.

1340

#### GREG AND GEOFF McKay

**Mr. Callahan:** Mr. Speaker, I would like to introduce to you and the other members of the assembly two of my constituents who, through their initiative, have made use of our excellent educational facilities in the province to achieve considerable success, in the field of high tech, I might add.

Greg McKay and his identical twin brother, Geoff, whom I am sure everyone will be able to identify in the gallery, attended York University where they pursued degrees in business. Thereafter, they attended Humber College with the net result that in June 1986 they established their own business to produce and sell computer software. I had the privilege of recently attending the opening of their corporate headquarters and their fully automated manufacturing plant.

I think these two gentlemen certainly are indicative of the excellent educational facilities we have in this province and perhaps reinforce the directions by this government in pursuing high tech and also establishing the Premier's Council, which will allow entrepreneurs such as these two young men and other young people in our province to achieve equal success.

My congratulations to the dynamic duo, Greg and Geoff McKay.

#### AIR QUALITY

**Mr. Laughren:** Many members of the assembly will know of the problems in the Sudbury area concerning the blowing of tailings. Tailings are a necessary byproduct of the nickel industry in Sudbury, but what is not necessary is to have those tailings blowing across the landscape, across the highway, into people's homes and causing a great deal of concern in the community. As a matter of fact, motorists sometimes



have to turn their lights on when those tailings are blowing across the Trans-Canada Highway. That presents some kind of image to tourists who are driving through Sudbury.

I have been after previous ministers of the Environment for about 10 years. When the government changed, nothing changed in terms of the Ministry of the Environment and its approach to Inco and the blowing of tailings. At no point has this Minister of the Environment (Mr. Bradley) ever come out with a statement or ever indicated that he even cares about the blowing of the tailings. I wrote him a letter back on June 7, 1988. He has not yet even responded to that letter to indicate there is any intention to do anything at all about those blowing tailings in the Sudbury area.

The Minister of the Environment keeps making all the right noises, but does absolutely nothing about the problem. I remind the Minister of the Environment that when Inco was given permission to expand its tailings some 15 years ago, it promised it would look after the problem. They never have and neither has the Minister of the Environment.

## STATEMENT BY THE MINISTRY

### TEACHING HEALTH UNITS

**Hon. Mrs. Caplan:** Today, I am announcing additional funding of \$600,000 to expand the teaching health unit program. Two existing units, in Ottawa-Carleton and Hamilton-Wentworth, will each receive enrichment funding of \$85,000 to expand their teaching activities. In addition, two new teaching units will be established, one in East York affiliated with the University of Toronto and one in Sudbury affiliated with the University of Ottawa.

The Sudbury and District Health Unit will receive \$70,000, to provide a bilingual northern learning opportunity for University of Ottawa students, and the Borough of East York Health Unit will receive \$360,000. East York was chosen because its population size, demographic profile, program content and administration are typical of many across the province.

My ministry took an innovative step three years ago when it provided special funding for two public health units to expand their role in teaching nursing and medical students. These two pilot projects proved highly successful.

Our aim in establishing the special teaching health units was to broaden the focus of university teaching and research in medicine and nursing from traditional institutional settings to include community settings. This shift is essen-

tial to foster leadership and professional expertise in health promotion and disease prevention in Ontario.

Under the program, medical students spend time at the health units working alongside nurses, doctors, nutritionists and health inspectors, gaining firsthand exposure to community health practice. Nursing students are paired with health unit nurses and participate in multidisciplinary sessions on community health issues and approaches.

Our objective is to see teaching health units develop into centres of excellence for community health research and teaching. The first two have met our expectations.

The funding I am announcing is in keeping with our government's commitment to broaden community health programs in Ontario. We recognize the important contribution of our public health units in the area of teaching and research.

## RESPONSES

### TEACHING HEALTH UNITS

**Mr. Reville:** Naturally, the New Democratic Party welcomes the announcement today by the Minister of Health (Mrs. Caplan) that existing units in Ottawa-Carleton and Hamilton-Wentworth will have enrichment funding and that two new teaching units will be established in East York and Sudbury. We obviously applaud any measures the government undertakes to improve its effort in respect of community health and particularly in respect of health promotion and disease prevention.

Although this is a large amount of money when compared to something smaller, say our salaries, it still is a very insignificant amount of money when compared to the amount of money the Ministry of Health spends annually. I think this is an appropriate time to continue our oft-repeated call for the government to really get serious about health promotion and disease prevention and community health, and to stop nickeling and diming us to death.

**Mr. Eves:** It is a pleasure for me to rise and comment on the minister's statement. We welcome the minister's statement, but as my colleague the member for Riverdale (Mr. Reville) has rightly pointed out, the amount is rather insignificant when we look at the total health care budget.

I am certainly in support of the initiatives the minister has announced in the Legislature this afternoon. However, I wonder how she can somehow reconcile the position she has enunciated

ated this afternoon in the Legislature with the fact that her ministry has a concerted effort to cut back on residency positions across Ontario.

As we talked about yesterday in the Legislature, I am sure the minister will be interested to note that the Canadian Paediatric Society, the Canadian Medical Association and the Hospital for Sick Children disagree with the minister about the need for and the shortage of paediatricians in Ontario.

## ORAL QUESTIONS

### NURSING SERVICES

**Mr. B. Rae:** I have some questions again today for the Minister of Health on the continuing crisis we face in our health care system, with so many patients on waiting lists for many kinds of surgery, but in particular I want to come back to the question of heart surgery.

I want to ask the minister about a case that was drawn to my attention recently concerning George Farrugia, who as I speak is in Toronto General Hospital waiting for an angiogram. I would like to simply tell the minister that Mr. Farrugia began feeling poorly in November. It took him November, December and into January before he could arrange an appointment with a cardiologist. Just before his appointment with the cardiologist he felt poorly, went to the emergency of Etobicoke General Hospital and his heart actually stopped. He then went on a waiting list for an angiogram once he was stabilized. He is now on the waiting list for an angiogram, waiting in Toronto General Hospital. If the angiogram shows he does need surgery, he will then again be put on yet another waiting list.

I want to ask the minister, of all the announcements she has been making day to day in this Legislature, why is it she and this government have yet to announce any particular measures that will deal directly with the nursing shortage, with the cancellation and delay of visits and surgeries as a result of this, and with the fact there is not just one waiting list but several.

**Hon. Mrs. Caplan:** As the Leader of the Opposition knows, and we have discussed this a number of times here in this House, the issues he proposes are in fact highly complex issues. We know, for example, that the number of people being recommended for cardiac surgery in this province has increased dramatically.

Shortly after becoming Minister of Health I announced a substantial increase in the capacity to deal with that increase. Some \$18 million in direct increase was announced some time ago. I can tell him that the hospitals in downtown

Toronto, following the meeting with ministry officials, informed us that they have already begun to address the many issues which this situation has brought forth.

Mount Sinai Hospital, I can tell the Leader of the Opposition, is now up to full complement in the area of critical care nurses and operating nurses. It has responded, I think positively, to some of the recommendations in the reports which have come forward. Further, with the implementation of the registry which the physicians in Toronto worked on to bring forward the kind of co-ordination which is necessary, I believe that in very short order we will see the capacity increase which the hospitals committed to.

1350

**Mr. B. Rae:** The critical question is whether the glacial pace at which this government is moving and at which the whole system is moving is going to be fast enough to help Mr. Farrugia. We know it has not been fast enough to help Mr. Coleman and the many, many others who either died waiting or died as a result of the extraordinary delays in the system. I specifically want again to ask the minister: Is she saying, then, that she is satisfied that the hospitals on their own can solve this problem and there is no need for intervention by her government when it comes to dealing with the particular question I asked with respect to the shortage of nurses?

**Hon. Mrs. Caplan:** I have been meeting on an ongoing and regular basis with many individuals in the nursing profession, teaching profession, academics, College of Nurses of Ontario, to discuss this very issue and to determine what is appropriate. What I have been informed is that the issues are extremely complex and that one of the most important things I can do is to bring people together to solve those problems. As he knows, I have been very supportive of bringing together the leadership of the Ontario Hospital Association which has been working very co-operatively with the ministry to seek solutions on behalf of the employer and the Ontario Nurses' Association, the union that negotiates the working conditions and the pay practices under their collective agreement. These issues are extremely complex. However, I believe we are making progress and that these issues are being resolved.

**Mr. B. Rae:** I think the minister has to understand the real human tragedy which is taking place and the incredible pressure it puts on families as well as on the patients themselves. The minister, I am sure, will have received by



now—she may not have had a chance to read it—a copy of a letter from Lou Brandes from Barrie, Ontario, who wrote a letter to Matt Maychak of the Toronto Star in which Mr. Brandes outlines the tragic story of his mother who fell ill in St. Catharines in fall of 1987; had to wait until January 1988 to have an angiogram at St. Michael's Hospital; was scheduled for surgery in March 1988; had her surgery cancelled not once but several times between March and July; even on admission in July had her surgery delayed until July 20; and then suffered a devastating stroke while under surgery on that day and died a month later.

This delay may have contributed to the anxiety which may have contributed to her deteriorating condition. I cannot understand and I wonder if the minister can explain why she has not announced in this Legislature one single initiative with respect to nursing that would deal with this critical problem. Can she explain why, of all of the announcements she has made, not one of them has dealt with the critical question of nursing?

**Hon. Mrs. Caplan:** In fact, there have been a number of announcements and initiatives. When I asked what was the most important thing I could announce as minister to recognize the changing role of nurses in the profession, I was told by nurses belonging to all associations working in all aspects of nursing care that the most important thing this government could do would be to announce the opening of the Public Hospitals Act to recognize the changing role of nurses and to ensure that they have a say in the hospital structure.

I believe that is a very significant and important signal to the nursing profession in this province that in fact we are moving forward to recognize the frustration with working conditions. Many of the recommendations that were brought forward in the reports we have discussed in this House, both from the Registered Nurses' Association of Ontario and the Hospital Council of Metropolitan Toronto.

We know that the solutions are often found in the negotiations and discussions between the employers, the hospitals and the union. I am hoping, by bringing them together—

**Mr. Speaker:** Thank you.

**Hon. Mrs. Caplan:** —that we will be able to find the solutions together that will resolve the frustration of the working conditions.

#### PAY EQUITY

**Mr. B. Rae:** My new question is to the Minister of Labour. He produced a report

yesterday from the Pay Equity Commission, which report suggested a delay of some year and a half to two years and a series of pilot projects on a number of possible ways of dealing with the pay equity problem. I want to come back to the minister's own obligations, things that even this commission has recommended the minister must do in order to deal with this problem.

I wonder if the minister can explain for this House why when he made the announcement yesterday, having had the report on his desk for several days, having had an opportunity to read it and to see what is required, he has not announced any initiatives with respect to changes in the Employment Standards Act, changes in the Labour Relations Act or changes in the minimum wage, which have in fact been specifically proposed by the commission as part of the solution to the problem of those women who are working in occupations dominated by women.

**Mr. Speaker:** Order.

**Hon. Mr. Sorbara:** I am really sorry to say that in this case the Leader of the Opposition has really gone to the ridiculous. He is pretending in his opening question that in respect of the Employment Standards Act, in respect of minimum wage and in respect of things like employment equity, the Pay Equity Commission and the report that I tabled yesterday made comprehensive recommendations.

What they did say is that in dealing with the situation of women in low-paying jobs, above and beyond a comprehensive strategy dealing with women in predominately female establishments the government should also consider initiatives in the area of minimum wage, should consider perhaps initiatives in the area of employment equity and should consider possible solutions within the Employment Standards Act.

The commission did no investigation of those areas and made no specific recommendations. I want to tell the Leader of the Opposition that on the suggestion that some of the solutions can be found in minimum wage, employment standards and employment equity initiatives, I agree with the commission that in dealing with the terrible working and wage situation of some women we have to look not only at the Pay Equity Act, not only at the challenges in predominately female establishments, but also those—

**Mr. Speaker:** Thank you.

**Mr. B. Rae:** There are three very specific areas of reform which the Pay Equity Commission says the government should be dealing with. The minister will want to have a look at the wording of the Pay Equity Commission when it

comes to those questions. But since he has now raised the issue of employment equity, in 1985 his leader, the Premier (Mr. Peterson), signed an agreement with me and indeed with the people of the province saying that employment equity would be a priority for the government in 1985.

Can the minister tell us why there has been no legislated program to deal with employment equity either within the government or in the private sector, no timetables established, no targets, no date set, no clear mandate given for legislation?

The minister has another recommendation here saying that until we have laws in place we will not be able to break down these barriers. Why is it that in over three years, nearly four now, coming up to four years in May since the signature of his leader on that accord, the minister has done nothing to address the legal issue of employment equity, nothing at all?

**1400**

**Hon. Mr. Sorbara:** First of all, a number of very significant initiatives have been brought forward in the area of employment equity, through a variety of incentive programs funded by the dollars of the taxpayers of this province.

Second, in relation to workplace legislation, no government in the history of this province has been so active in bringing about reforms in the workplaces of this province over the past three years. Our record stands out in that area.

Third, when one looks at initiatives affecting women, pay equity initiatives and employment equity initiatives, look at the Pay Equity Act that all of us who were here in the last parliament passed. Compare it, for example, to the Pay Equity Act that the New Democratic Party in Manitoba passed while it was in office. That act did not touch the private sector. That act did not make a commitment to deal with predominantly female establishments. In fact, it dealt exclusively with the public sector.

Ontario's equity legislation can stand against any jurisdiction in the world and be a leader when that comparison is made.

**Mr. B. Rae:** It is an embarrassment to think that a minister would take pride in a complacent way in a piece of legislation which, even on the government's own commission's evidence, leaves over half the women who are supposed to be covered by that legislation out in the cold and in the dark. The minister announced yesterday not one single specific recommendation to deal with that problem.

I wonder if the minister could do us the favour of telling us whether he agrees with this

following statement, not by me, but by the Pay Equity Commission, saying specifically: "Low wages paid in the predominantly female sectors of child care, social and community services, and the health sector...often reflect the public funds that are available" and "A third initiative to address the overall low wage problem, as well as the undervaluation of women's work in the target sectors, is to increase the levels of government funding."

Does the minister agree with that statement, yes or no?

**Hon. Mr. Sorbara:** I will tell the member what I do agree with. I agree with the suggestion that if we are going to deal with questions that are very complex and require inputs from government—initiatives in the Legislature and initiatives on a voluntary basis—and if we see the problems that we are confronting as a complex mix that requires a complex set of solutions, then we are going to make progress.

I know that it is important for the Leader of the Opposition to say that a Minister of Labour, having had a report for few days, should present to the world a system of complex solutions.

**Mr. B. Rae:** You have been sitting on this stuff for years.

**Hon. Mr. Sorbara:** The Leader of the Opposition is shouting that I have been sitting on this stuff for years. I received a report a few days ago, which was submitted in a timely fashion, which set out an agenda, in which the commission suggests that, given some time and doing some modelling, a workable and practical solution—and I am quoting the commissioner—to a complex methodological problem can be developed.

I am looking forward to the commission doing that work and I am looking forward to funding initiatives, legislative initiatives and voluntary initiatives making this province one that we can all be proud of.

#### HEALTH SERVICES

**Mr. Brandt:** My question is for the Minister of Health and it relates to the rather unprecedented step that has been taken by the doctors of this province, advertising to the people of this province the difficulties that their patients are having with respect to accessibility to health care.

For some two years now, we have been pointing out that heart surgery in this province takes some six months in order to get on the list to get surgery performed. We have indicated—



**Hon Mr. Scott:** I learned my lesson very quickly.

**Mr. Brandt:** I will wait until the Attorney General is finished his comments.

We have been pointing out that hip replacements are taking up to two years, hospital beds are closing and now the doctors are advertising through this medium and through a number of advertisements that the problem is becoming increasingly more serious with respect to getting access to health care in Ontario.

Could the minister indicate, after the comments that she has made in this House in connection with steps that she has taken to alleviate the problem, how long she anticipates it will be before we start seeing a shortening of the waiting period for heart surgery, a reduction of the waiting period for hip replacements and an improvement in the entire system of health care that has now imposed upon us a very lengthy wait for many, many procedures?

**Hon. Mrs. Caplan:** As the leader of the third party would know, waiting lists are not new to this province. In fact, this government has made health care a priority and has made a significant commitment of resources over the past three years, from the time when we took office. The budget at that time was some \$10 billion; today it stands at \$12.7 billion.

The Treasurer (Mr. R. F. Nixon) recently announced a transfer payment to the institutional sector, to the hospitals, of some 8.1 per cent, up almost half a billion dollars. We expect that Ontario health insurance plan payments will increase by a quarter of a billion dollars next year.

We know that there are many challenges facing us in health care, but, and I answer specifically in the area of cardiac surgery, in downtown Toronto we expect the capacity, which was announced to be increased, to be up and running very shortly. I can tell him that some 60 critical care nurses are completing their training. It is a highly specialized area of nursing. They will be completing their course at Ryerson Polytechnical Institute in very short order, and we expect that downtown Toronto should be up and running at a fully funded capacity within weeks.

**Mr. Brandt:** What the minister is saying is that more money is being spent and waiting lists are going to get longer. I gather that is the message she is giving to the people of Ontario. Really, that is not the trust that she established with the people of Ontario with respect to the health matter. What she did say was that she

would improve accessibility, that she would improve health care; it was not a question of the amount of money that she was going to spend but she in fact had a plan to improve these things.

With respect to the trust question, I have a letter here dated July 11, 1988, addressed to the North Bay Civic Hospital, to the chairman of the board, in which the minister has linked very directly the expansion and the further development of the North Bay Civic Hospital to the whole question of changing the methodology by which doctors are to be paid in this particular facility.

Since both the the minister and the Premier (Mr. Peterson) have indicated in their public statements that it is not their intention to put doctors in this province on salaries, why would she in fact link a hospital expansion to a requirement that it change the method of payment to doctors to a salary concept in order for the expansion to be approved by her ministry?

**Hon. Mrs. Caplan:** The Leader of the Opposition (Mr. B. Rae) knows, as does the leader of the third party, that it has been a long-standing government policy to offer options and choices on a voluntary basis to providers of health services. We have examples of health service organizations, community health centres, sessional fees and many different types of alternative payments already existing within the province. That has been the position.

We have been talking to communities about trying innovative and creative proposals for provision of services.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mrs. Caplan:** In a recent throne speech we announced a comprehensive health organization. That planning is taking place and I believe that there are some very good discussions going on in a number of communities in this province that wish to try the delivery of services in innovative and creative ways.

**Mr. Brandt:** The minister uses creative rhetoric in order to make a point which really misses the question that I have raised: whether she has linked the two. What she has indicated is that these are options and alternatives that are available to the doctors and to this particular facility. The fact of the matter is the minister has indicated that if they do not accept her option, she is going to phase out one of the hospitals—that is exactly what she said in her letter of July 11, 1988—in that region and that the expansion would be directed towards the other hospital.

It is almost like saying, "Let me make you an offer you can't refuse." That is the kind of rhetoric the minister has used. Why would she logically link in her mind the expansion of a hospital in North Bay to the requirement that the doctors be put on salary and that there be some form of capitation introduced in order to make this facility a reality for the people who require it in North Bay?

**1410**

**Hon. Mrs. Caplan:** I think the leader of the third party is clearly missing the point. What we have been talking about in a number of communities across this province are alternative approaches for delivering services. We recognize that there are many options and alternatives available in the province today. As I said, there are health service organizations that are of great interest to a number of physicians, community health centres that are supported by communities right across this province, and we are looking at innovative and creative proposals for comprehensive health organizations.

These discussions are ongoing in a number of communities. I believe this is extremely appropriate as we look at a positive shift in the delivery of health care to the kinds of innovative and creative opportunities that trying to deliver services in alternative ways present to us. This has been recommended in every one of the reports we have received over the last number of years and I would think the leader of the third party would be supportive of trying some innovative and creative approaches.

#### HOSPITAL SERVICES

**Mr. Eves:** I have a question of the Minister of Health as well. Last Monday, I brought to her attention the case of Douglas Porter and his wait for heart surgery. For the minister's information, Mr. Porter is back in the hospital and has now been moved to the critical list. To quote from the minister's answer of last Monday, "...in fact our system is designed so that those requiring emergency and urgent care can receive that care first."

Mr. Porter is indeed now an emergency and urgent case, yet his surgery is not scheduled until the end of February, if it does not get cancelled at the last minute. Obviously, the minister is the one who does not have her facts straight in this matter. What is she going to do about Mr. Porter and the hundreds of other Mr. Porters out there who require heart surgery immediately?

**Hon. Mrs. Caplan:** I have said on numerous occasions in this House that we rely on the

physicians to use their very best medical judgement to determine who should receive priority. One of the things occurring with the establishment of the cardiac registry in the province is common definitions so that those who are designated as emergency, urgent or elective can be clearly identified on all the different lists the physicians have.

We know that because of the size of downtown Toronto co-ordination is sometimes difficult. That is one of the reasons we are right now looking at the procedures for admission and the co-ordination of that in one of the downtown teaching hospitals, St. Michael's Hospital, to see if we can be helpful in using the very best procedures available in the province. We have brought in expert advice to help determine how those lists can best be co-ordinated. I tell the member that the hospitals are working together co-operatively, that I have spoken directly with some of the surgeons and that I have been assured this situation is in hand.

**Mr. Eves:** The minister told us on June 9 when she made her announcement in the House that the problem would be solved almost immediately, that these beds would be up and running almost immediately. We are now in the middle of January, over seven months later.

I have been receiving calls from very concerned patients and their families from across the province in the last few days. If need be, we will raise each one of these cases individually until the minister realizes the seriousness of the situation and takes some action.

Today, I received a call from Mrs. Foster from Lindsay, Ontario, whose 54-year-old husband needs heart surgery. He has not been able to work since September and his condition is worsening, in large part due to the stress of being on the waiting list for surgery. Yet his cardiovascular surgeon, whom I spoke with this morning, cannot even schedule him because he is completely booked for the next six months. Does the minister have any words of wisdom for Mr. Foster and the hundreds of others like him out there?

**Hon. Mrs. Caplan:** As I said, I rely on the advice of physicians in this province. I will read to the member a quote from Dr. Keon of the Ottawa Heart Institute, who said:

"I don't think the demand does exceed our ability to do the operations. In Ottawa, our waiting list currently is 270-some patients or a wait of about 10 weeks, and you have to have a wait of six or eight weeks for the institution to function efficiently. We are turning our volume



up slightly, as a matter of fact, within the next few weeks to try to reduce our waiting list, but it is not excessively long and we think that the people are being managed in a pretty safe way. I realize there are waiting lists in Toronto, but also these waiting lists are not out of hand."

This is Dr. Keon from Ottawa where he says the waiting lists in Toronto are not out of hand.

"I believe that with some relatively minor adjustments, the patients who are at risk and who need coronary surgery could be managed."

**Mr. Speaker:** Thank you.

[Applause]

**Mr. Eves:** If the members opposite would like to applaud the fact that they think waiting even 10 weeks for emergency heart surgery is a fine way to run a government—

**Hon. R. F. Nixon:** Dr. Keon knows about it more than you do. Cheap politics.

Interjections.

**Mr. Speaker:** Order. I will recognize the member for Parry Sound for a supplementary.

**Mr. Eves:** There is no doubt that a long-term solution to this problem will take time. I think everybody agrees with that. But time is running out for hundreds of patients waiting for heart surgery on waiting lists. There is a crisis situation in the province and I think the minister has a responsibility to immediately implement some short-term solutions. I will give the minister a couple of suggestions today.

She could agree to allocate money to hospitals so that they can afford to pay critical care nurses according to what they are worth, when they work, what experience they have and what expertise they have, whether they work for agencies now, whether they work for hospitals now, or elsewhere in North America. She can also bring in much-needed technologists—she admitted last week there is a shortage of them as well—from elsewhere; and yes, all of that will cost money.

To answer the comment of the Treasurer (Mr. R. F. Nixon) of a few short moments ago about playing cheap politics—

**Mr. Speaker:** Order. Will the member take his seat.

**Mr. Eves:** What steps will she immediately take to alleviate the crisis?

**Mr. Speaker:** Order.

**Hon. Mrs. Caplan:** I would say to the third party's Health critic and to the people of the province that I have been assured by the downtown hospitals in Metropolitan Toronto that

they will be able to bring up the case load to the funded level by the beginning of March.

The increase in the number of critical care nurses is due to the initiative to train additional nurses who will be graduating from the Ryerson Polytechnical Institute program very shortly. We know as well that the first stage of the registry is in operation and we hope that admitting and prioritizing procedures by the hospitals working together will enhance the registry, so that all hospitals and all physicians will know what resources are available.

I believe we will then be able to resolve what has been a very frustrating issue for all of us, as there have been delays in bringing the funded capacity on stream.

### PLANT CLOSURE

**Mr. Mackenzie:** I have a question for the Premier of the province. In a letter to him dated January 13, the steelworkers informed him that on January 9, while in mediation and the day before a new contract was to be ratified, the chief American negotiator for Echlin Canada Inc., 500 Carlingview Drive, Rexdale, informed the workers, members of Local 8257 of the United Steelworkers, that their manufacturing operation was being moved to the southern United States.

With more than 100 of the 125 workers with less than five years' seniority in that plant going to lose their jobs, there is very little protection. This could well be the tip of the iceberg we are beginning to face in the free trade fiasco, and I am wondering if the Premier is prepared to use his legislative powers to stop the sellout of Canadian workers by the federal government that has obviously occurred.

**Hon. Mr. Peterson:** The Minister of Labour could help the honourable member out.

**Hon. Mr. Sorbara:** I simply want to advise the member for Hamilton East and the House that indeed Echlin has announced it will be closing that facility in Etobicoke. A form I has been filed with the Ministry of Labour because the number of employees affected by that layoff comes within the parameters of Bill 85, the notice and severance termination legislation that this House passed in the last parliament.

The Ministry of Labour has been working in co-operation with the steelworkers in that facility on employment adjustment programs that all the workers are involved in. The member has asked whether we would be bringing in legislative initiatives. I want to tell him that I think the interventions we are making there are going to provide effectively for those workers

who, regrettably, have been affected by this layoff.

**1420**

**Mr. Mackenzie:** To the minister, or to the Premier through him: Back in May 1985, the Premier of this province signed his name to an accord with this party that stated that one of the things that would be done would be additional protection for workers in terms of plant closures, which was and is a serious problem we are facing in Ontario, and that it would deal with severance, with notice and with justification.

That is four years ago now. Was that never meant to be carried out? Was it another lie or does the government intend to bring in such legislation to protect workers in a situation where it is now obvious?

Interjections.

**Mr. Speaker:** Order. I listened very carefully and I know most members are very careful with their language.

**Hon. Mr. Sorbara:** Sometimes we have to regret the language of the member for Hamilton East.

The member for Hamilton East was in this House when Bill 85 was introduced, debated and passed. Bill 85, which makes very fundamental amendments to the Employment Standards Act, provides for severance pay, provides for notice and provides a requirement that every company involved in a layoff of any size at all must submit to the government the reasons and an explanation why that layoff is taking place. That gives us, among other things, an early warning system so we can intervene with employee adjustment programs.

In other words, what we have done in this parliament is exactly what we said we were going to do. We have the most progressive legislation in this area of any jurisdiction in Canada, and I think in North America as well.

#### COMMUNITY SAFETY

**Mr. Runciman:** I have a question to the Minister of Health and it deals with Lieutenant Governor's warrants. She is well aware of the calls by myself and the member for London North (Mrs. Cunningham) with respect to the attack on a teenage London girl that almost cost her her life some months ago. We called for a public inquiry and we called for a review by the Provincial Auditor. The minister denied those requests and she has, in effect, participated in a whitewash with respect to that situation.

Will the minister tell the House today what she knows about a forensic outpatient at the Brockville Psychiatric Hospital being charged for a knife attack on a Brockville woman last Friday?

**Hon. Mrs. Caplan:** The incident the member opposite refers to is under police investigation, and as the matter will likely go before the courts, I cannot comment in this House.

**Mr. Runciman:** When she comments, she will not say anything meaningful anyway.

Charges have been laid against a man on a loosened Lieutenant Governor's warrant, a man found responsible for the brutal 1973 sex murder of a nine-year-old Toronto boy. I have been advised by staff at the Brockville hospital that they expressed concerns about this man's recent behaviour to medical staff and hospital administration and those concerns were ignored.

Is the minister prepared to hold a public inquiry into this very serious incident or is she going to play games with public safety like she has in London?

**Hon. Mrs. Caplan:** The member opposite will know and I think will acknowledge that my priority is always public safety and that the implementation of risk management procedures in the psychiatric institutions of this province has been the priority for me. I can tell him that in fact in this case there will be the most important of all public inquiries, and that will be in the courts, where I believe this matter will be fully aired. As it will be before the courts, I cannot comment at this time.

#### GRAPHITE PRODUCTION

**Mr. Campbell:** My question is for the Minister of Mines. There have been recent press reports regarding the supply of graphite in Canada. The government of China has announced it will severely curtail the export of graphite. Can the minister advise the House what impact this will have on Ontario's industrial mineral sector.

**Hon. Mr. Conway:** I want to thank the honourable member for his ongoing interest in the very important mineral sector in this province. I can tell him that my officials and the officials at the federal Department of Energy, Mines and Resources are monitoring the Chinese situation.

It appears that the current contracts the Chinese have entered into will be maintained. It is still early to tell what the impact is going to be, but certainly it does appear that if the Chinese do withdraw to some extent, it will provide additional opportunities to the Ontario producers of



graphite, a number of which are well advanced in some preproduction measures at the present time.

**Mr. Campbell:** There have been some reports, as the minister alluded in his first answer, of a flake graphite processing plant being established in the Sudbury region. Given the highly strategic nature of the mineral, does the minister know if new developments will advance the opening date of this plant?

**Hon. Mr. Conway:** The member refers to one of those operations, namely Cal Graphite, which is at the current time preparing to go into production north of Huntsville. They are looking as well at a research facility, a processing facility I believe, in the Walden area of the Sudbury basin. It is too early to say whether or not the news from China will expedite the activities in the Walden area, but I can tell my honourable friend we have a number of very positive developments and activities at the present time.

Certainly, I am very encouraged by what I see taking place in so far as the graphite possibilities in Ontario at the present time are concerned. I am encouraged to know that the Cal Graphite operation near Kearney north of Huntsville is going to go into production. I hope the Walden facility will come along at a very early time, but at the present moment it is just too difficult to know whether or not the decision announced by the Chinese will speed that along.

#### SCHOOL FUNDING

**Mr. D. S. Cooke:** I have a question to the Minister of Education. I would like to ask the minister if he was accurately quoted, or if he was serious, when he said last week in the Windsor Star that none of the school boards that have submitted budgets that have a deficit because of the government's lack of response to a number of issues that arose out of Bill 30 and the lack of funding by his government, will get one cent of capital grants from this government in this coming fiscal year?

**Hon. Mr. Ward:** In response to that question from the member for Windsor-Riverside, I will indicate to him that I am indeed serious when I say to all boards of education in this province that my ministry will not accept budgets that are presented to the ministry for approval if those budgets contain operational deficits.

Such a practice is clearly not permitted under the statutes and regulations of this province. During the course of my conversations and consultations with boards throughout this province, I have made it quite clear they are obliged to

submit balanced budgets to me and to my ministry, and that is indeed my expectation.

**Mr. D. S. Cooke:** The budgets that were submitted were submitted last year and the ministry has not responded to date.

Specifically, is the minister saying to school boards like the Essex County Roman Catholic Separate School Board, which is applying for schools, for a new elementary school in the town of Tecumseh that has been supported by the member for Essex-Kent (Mr. McGuigan) and myself, or a new high school out in the area of the member for Essex South (Mr. Mancini), that none of those capital grant applications are going to be approved by the ministry, and that the Essex County Roman Catholic Separate School Board will not be considered for capital grants because it submitted a deficit budget last year?

**Hon. Mr. Ward:** Maybe I can help the member even further by giving him an example of one of the deficit budgets that has been submitted to my ministry, supposedly in a deficit situation because of lack of access to commercial and industrial assessment.

One of the boards submitted a budget showing a very substantial deficit. It claimed the reason was that provincial grants had not kept pace with increases in enrolment as a result of the extension under Bill 30. In that particular example, over the last three years enrolment had increased some 26 per cent and grants from the provincial government had increased by 39 per cent. The amount of deficit was far in excess of any unapproved expenditures that may perhaps be funded in part by additional commercial assessment.

I would make the point to the honourable member that in every capital budget submission put forward by boards of education there is a local share. In making that submission, they have to identify the revenue source for that local share. The point that I make to all boards that submit a deficit budget is simply this: If they are unable to balance their operational budgets as submitted, then surely they do not have the ability to fund the local share of their capital allocations either.

**Mr. Speaker:** Thank you. Perhaps if there is anything further, you could write to the member.

1430

#### TRANSIT SERVICES FOR THE DISABLED

**Mr. Cureatz:** I have a question to the minister responsible for disabled persons. As the minister is well aware, the GO rail system has been newly expanded east of Metro Toronto, terminating at present at the Whitby station on Brock Street. We are of course hoping for further expansion into

Oshawa. It has been brought to our attention in the region of Durham that there has been made no availability whatsoever of handicapped access to the GO rail system at its terminus in Whitby. Would the minister be so kind as to explain to the Legislature the reason he and his ministry and the Minister of Transportation (Mr. Fulton) missed this very serious, important aspect of the new extension of the rail system?

**Hon. Mr. Mancini:** The member for Durham East is correct that the GO rail service has been extended, stations have been constructed at Ajax and Whitby and some modifications made to the Pickering station. I do understand, as has been told to me by the member for Durham Centre (Mr. Furlong), that a group representing a senior citizens' organization did in fact submit a petition stating that persons with disabilities were having some difficulty accessing these stations. My office has been in contact with the people at GO Transit and the matters are being looked into.

I do agree with the honourable member that it is always cheaper and more advantageous to make these modifications when we are constructing or renewing these stations. However, that was not the case. The people at GO have given some reasons for that not being done, none of which I totally accept in my role as chief advocate for the disabled. However, the matter is being looked into.

**Mr. Cureatz:** We appreciate the minister's investigation. Would he be so kind or is he able to advise this House and us in the region of Durham of any anticipated date in terms of reconstruction of the rail station so that accessibility will be available and so that those people who are making inquiries of myself, the member for Oshawa (Mr. Breaugh), the member for Durham West (Mrs. Stoner) and the member for Durham Centre will be able to respond in a quick manner to assure those concerned people and those communities in the region of Durham that they will have access as soon as possible?

**Hon. Mr. Mancini:** The specific group that the honourable member has referred to is the group we refer to as the ambulatory disabled. Yes, indeed, the lengths of walks and the number of steps have made it very difficult for this group. But I should point out to the member that it is not as if GO Transit has sat back and done nothing. The honourable member and the House should know that one third of all the buses that are used by GO Transit now have special kneeling features, which in fact is increasing accessibility. The people at GO Transit have told me that they have a list of priorities that they wish to address. I

and my office wish to be as much help to them as possible.

The interministerial committee on transportation is in fact reviewing accessibility features for the entire transit system here in the province, we are going through the cabinet committee stages in order to discuss the report that will in the near future be made public and we will be calling for more public consultation. I would not want the honourable member to think that I and/or GO are not doing anything.

#### RETAIL SALES TAX

**Mr. Tatham:** My question is to the Minister of Revenue. A businessman in my riding lost a sale of a machine by \$200. The difference between the price of this man's machine and the price of a machine purchased in Alberta was provincial sales tax. What arrangements do we have with other provinces as far as reciprocity in matters of provincial sales tax is concerned?

**Hon. Mr. Grandmaitre:** I would like to thank the member for his good question. This is the first good question today.

I would like to remind the members of this House that the first rule of retail sales tax in all provinces is that the sales tax is paid on products in the province in which the product is consumed. For instance, if an Ontario consumer buys a product in Alberta where no sales tax exists but this product is brought into this province, then Ontario sales tax should be paid. Similarly, if a firm sells a product in Alberta where there is no sales tax, no Ontario sales tax is charged. We do this to protect our retailers and wholesalers so they will not be faced with a competitive disadvantage.

**Mr. Tatham:** What can be done to assist Ontario business people to compete for business in other provincial jurisdictions with the different provincial sales tax? What can we really do?

**Hon. Mr. Grandmaitre:** Again, we do have exchanges of information and data with all provinces except Alberta, where no sales tax exists. I want to remind the member again that if an Ontario wholesaler sells a product in Alberta or in any other province, if that product is not consumed in Ontario, no sales tax is paid.

#### IRRADIATION OF FOOD

**Mrs. Grier:** My question is for the Minister of Health. In a statement at the opening of this afternoon's sitting, I pointed out that the government has been silent on the subject of food irradiation and on moves by the federal government which could affect the health of Ontario



citizens. Can the Minister of Health tell the House whether the government has a policy concerning irradiated food, and if so, what that policy is?

**Hon. Mrs. Caplan:** As the member knows, the matter is quite a complex one. The health protection branch of the federal government has jurisdictional responsibility for many of the matters of clearing of foodstuffs that enter this country, and I know it takes that responsibility very seriously.

**Mrs. Grier:** It is not a question of foodstuffs entering this country. What the federal government appears to want to do is to make sure that foodstuffs produced and processed in this country can be irradiated.

It is now a year and a half since the federal parliamentary committee, with the support of all parties, recommended that the Mulroney government not proceed with new regulations. The report of that committee, which was strongly supported by the federal Liberal caucus, recommends that no action be taken by the federal government and has been ignored by the Minister of National Health and Welfare.

This government did not even respond to the request for comment on the draft regulations when they were published by the federal government. I would like to ask the minister, if she has not yet taken any action in this respect, will she commit herself to taking action to protect the health of Ontario residents?

**Hon. Mrs. Caplan:** As the member opposite very clearly explained in her question, this is clearly a matter of federal jurisdiction. The suggestion of federal regulation is one which the question clearly identifies. The Ministry of Health in Ontario, of course, and through the public health initiatives, is always interested in initiatives being taken by the federal government and monitors very closely the proposals which it brings forth, in both legislative form and also in discussions between the federal department and the provincial ministry. But I would say to her that the matter she has raised is one that is clearly within federal jurisdiction and we are monitoring on an ongoing basis the actions of the federal government in this matter.

1440

#### FOREST ACCESS ROADS

**Mr. Pollock:** I have a question for the Minister of Natural Resources. The minister is well aware of the many forest access roads in Ontario. These forest access roads were maintained by his ministry, in some cases for many

years. The ministry has now stated that it will not maintain these roads. This in turn leaves many people stranded or inconvenienced.

I cannot speak for all townships, but in some cases they have indicated that they would take over these roads and maintain them if they could be figured into the municipal funding. The main problem is that these roads, if they are taken over by a municipality, have to be brought up to Ministry of Transportation standards.

Would the Minister of Natural Resources work with his colleague the Minister of Transportation (Mr. Fulton) to see if these roads could be turned over to the municipality without being brought up to municipal standards?

**Hon. Mr. Kerrio:** The honourable member certainly describes the roads very well. The roads are built primarily to access the forests to do our planting; to do, in fact, all of the things that need to be done to protect a very valuable resource. The roads are not built to support the kind of traffic that the Ministry of Transportation would have us support.

There is another question here that bears talking about, and that is the fact that we have 32,000 kilometres of these kinds of roads. It makes it physically impossible and monetarily impossible to support that kind of road structure. I am not at all surprised that we at the Ministry of Natural Resources have more roads than the Ministry of Transportation.

It would be impossible to bring those roads up to the standards my friend has described for the use of the general public so that in fact they would be very safe. It is one that is just a little bit beyond the means of the Ministry of Natural Resources, except for the purpose that the roads are built for initially, for maintaining our forest resource.

**Mr. Pollock:** I did not ask the minister actually to take over these roads, I wanted him to work with the Minister of Transportation so that the townships could take over these roads, because they do get somewhere between 75 per cent and 80 per cent funding, and also the extra miles are figured into their complicated calculations when they get transfer payments. Would the minister work with his colleague the Minister of Transportation to see if they could be turned over to some of the municipalities that might want them or might be prepared to maintain them?

**Hon. Mr. Kerrio:** I suppose that in support of any question that is raised where I might ask what another minister would do in this kind of responsibility, I am certainly prepared to do that,

but even in my friend's comments he has made the suggestion that if a municipality would take them over it would be looking at the funding from the Treasurer of Ontario to do the kind of maintenance that needs to be done in the upgrading of the roads. It is very substantial.

I would think that in talking to the Minister of Transportation he may more directly respond to my friend on this question. In keeping with the number of roads out there and the kind of road that the Ministry of Transportation would build in a municipality, there would be some difficulty in the funding; but I will take my friend's question to the minister and have him respond on the basis of his interest in the municipalities taking over those roads.

### NONPROFIT HOUSING

**Mr. Adams:** My question is for the Minister of Housing. I think she knows I am always pleased to hear about government initiatives to promote the production of housing for people of low and moderate income, but today my question concerns the quality of affordable housing. Are the maximum unit prices allowable under the program sufficient to produce good-quality housing across the province?

**Hon. Ms. Hošek:** The member opposite should know that the maximum unit prices that govern the production of nonprofit housing in the province are actually calculated differently in six different regions, trying to take account of the market conditions and the expenses in every region. I assume he would be pleased to know that in November the maximum unit price in the Peterborough area was increased by about 10 per cent.

We do that because in fact our standard or our goal is to make sure that we build good-quality housing. We take account of the changes in the cost regularly in order to reflect that need and also to reflect the costs of building in a particular area or region of the province.

**Mr. Adams:** I thank the minister for that reply. I have to say that in the past the government programs have only provided sufficient funds for what you might call at best modest materials, so the houses quite rapidly become dilapidated. Is the minister sure that the maximum unit prices now, the new, increased maximum unit prices, will provide materials which will last?

**Hon. Ms. Hošek:** Obviously, the concern is to build housing of very good quality. I guess I would invite the member to see some of the buildings that have been built under the maxi-

mum unit price in various parts of the province and have been around for a number of years and seem to me to be doing extremely well.

Our standard is always above the minimum of both the Ontario building standard and the national building standard. The member will appreciate, of course, that we are building modest housing and not luxury housing, but the quality of the materials is meant to maximize wear and to be definitely above the minimum standards of both the Ontario Building Code and the National Building Code.

### OMBUDSMAN'S JURISDICTION

**Mr. Philip:** I have a question for the Attorney General. Only one province in Canada has dared to limit the power of the Ombudsman so that he does not have the jurisdiction to investigate decisions of administrative tribunals. Even the Vander Zalm government did not go so far as to eliminate that power of the Ombudsman.

I understand that the new Ombudsman Act, which we have now been waiting for so many years, has passed through cabinet. Can the minister assure the House that when this legislation is introduced, it will in no way curtail the Ombudsman's right to investigate administrative tribunals such as the Workers' Compensation Board?

**Hon. Mr. Scott:** I think I am entitled to tell the honourable member that cabinet has made no decision with respect to this provision of the Ombudsman Act or any other, but I will be very glad to have the honourable member's representations and we will consider them.

**Mr. Reville:** You mean you are bringing him into the cabinet?

**Hon. Mr. Scott:** No, no, no.

**Mr. Philip:** I think I have just been offered a cabinet post, but with the greatest of respect to my nominator, I decline.

Interjections.

**Mr. Philip:** Of the cases of the Ontario Ombudsman, 38 per cent presently involve investigating complaints against administrative tribunals. This is an extremely important safeguard to the public. Would the minister assure the House that he will not introduce legislation that will curtail the right of the Ombudsman to investigate complaints against administrative tribunals?

**Hon. Mr. Scott:** As the cabinet has not decided what legislation, if any, should be introduced to amend the Ombudsman Act, I am unable to answer the question one way or the



other. I am quite familiar with respect to the point that the honourable member makes, however, and it is much debated.

There are people who think, for example, that the Ombudsman should not be entitled to review decisions of the Ontario Labour Relations Board on the merits, a view that I know the trade union movement in Ontario vigorously supports. There are other people who think that there should be that kind of review by the Ombudsman.

It is a point that is worth considering on both sides, and I am delighted that the honourable member, having turned down my nomination, would bring it to cabinet's attention in this more indirect way than I planned.

## PETITIONS

### RETAIL STORE HOURS

**Mr. McLean:** I have a petition to the the Lieutenant Governor in Council from Carriage Chevrolet Oldsmobile Cadillac Ltd. in St. Thomas, signed by 28 persons, which reads, in part, as follows:

"Whereas we strongly oppose the intention of Bill 113 for Sunday opening, we believe that the Ontario government must act to maintain Sunday as a common pause day."

That is also signed by myself.

1450

**Mr. Wildman:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"I the undersigned beg leave to petition the parliament as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

It is signed by 14 residents of Ontario, and I have added my name to it.

**Mr. Pollock:** I have a petition for the Lieutenant Governor in Council, signed by 48 persons from Checkpoint Chrysler in St. Catharines, which reads, in part, as follows:

"Whereas, we strongly oppose the intention of Bill 113 for Sunday opening, we believe that the Ontario government must act to maintain Sunday as a common pause day."

It is also signed by me.

**Mr. Laughren:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"I, the undersigned, beg leave to petition the parliament as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

It is signed by one person—a very important person—and by myself.

**Mr. Brandt:** I have a petition to the Lieutenant Governor in Council signed by 209 persons from Sarnia and the immediate area surrounding Sarnia, which reads, in part, as follows:

"We, the undersigned are greatly concerned about the Sunday shopping issue in this province."

### SALE OF CIGARETTES TO MINORS

**Mr. Kanter:** I have a petition signed by 142 residents of Ontario, including a number affiliated with the University of Toronto. The petition is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas tobacco is addictive and harmful and is the leading preventable cause of disease and death in Canada today;

"And whereas the maximum fine of \$50 for selling tobacco to minors has not been increased since 1892;

"And whereas preventing young people from starting to smoke will have tremendous health benefits because there is little onset of smoking by adults;

"The undersigned call for new laws to stop tobacco sales to minors including (a) greatly increased fines, (b) a ban on vending machines accessible to minors and (c) the revocation of a tobacco licence for retailers who sell tobacco to minors."

I am pleased to endorse this petition.

### RETAIL STORE HOURS

**Mr. Pouliot:** I have a petition signed by 14 respected and concerned citizens of this great province. It is addressed, of course, to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"I the undersigned beg leave to petition the parliament as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

I have affixed my signature to this petition.

**Mr. Pope:** I have a petition for the Lieutenant Governor in Council, signed by 23 persons from the Church of St. John the Divine in North Bay, which reads in part as follows:

"We urge Premier Peterson not to proceed with the legislation he has announced, but instead to strengthen protection for all workers who do not want to work on Sundays; to not pass the responsibility back to local governments; and

to maintain a common pause day for working people and working families in Ontario."

I have signed my own name to that petition.

**Mr. D. S. Cooke:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead to strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

It is signed by two people in my riding and myself.

**Mr. J. M. Johnson:** I have a petition from 22 persons from Autotrend Ltd. in St. Catharines, which is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas we strongly oppose the intention of Bill 113 for Sunday opening, we believe that the Ontario government must act to maintain Sunday as a common pause day."

I have signed the petition myself.

**Mrs. Grier:** I have a petition headed Family Day Petition. It is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"I, the undersigned, beg leave to petition the parliament as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

There are 14 of these petitions and I have signed the top one.

**Mr. Sterling:** I have a petition signed by 23 persons from Viscount Alexander Public School in Ottawa:

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, reject wide-open Sunday shopping in Ontario."

I have signed that.

**Mr. Reville:** I have separate petitions, which I will present in a package, which read:

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"I, the undersigned, beg leave to petition the parliament as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

These petitions are from Toronto, Mitchell, London, Thornhill, Barrie, Espanola, Prescott, Bowmanville, Elmvale and Kitchener. I have appended my name thereto.

**Mrs. Marland:** I have a petition for the Lieutenant Governor in Council from Weiland Ford Sales Ltd. in Kitchener, signed by 40 persons, which reads, in part, as follows:

"Please, we ask you to exhibit concern for our opposition to Bill 113 Sunday opening. We believe that the Ontario government must maintain Sunday as a day of rest."

**Mr. Mackenzie:** I have here 25 individual petitions. I probably owe the people an apology for not letting each one of them be read individually, but I will do them in bunches, because there are so many hundreds of them.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

I have affixed my name to it. The 25 signatures are all in my riding of Hamilton East.

**Mr. Cureatz:** Interestingly enough, I too have a petition from an interesting community in southwestern Ontario called Stratford—I know those fine people there are very proud of their representative—12 persons from Tolton's Stratford in Stratford, Ontario. It reads as follows:

"Whereas we strongly oppose the intention of Bill 113 for Sunday opening, we believe that the Ontario government must act to maintain Sunday as a common pause day."

I too have ascribed my name.

**Mr. Villeneuve:** I too have a petition for the Lieutenant Governor in Council from Brantford Honda in the Liberal-held riding of Brantford, signed by 17 persons, which reads, in part, as follows:

"Whereas we strongly oppose the intention of Bill 113 for Sunday opening, we believe the Ontario government"—and Premier Peterson—"must act to maintain Sunday as a common pause day."

I have signed the petition.

**Mr. Mackenzie:** I notice that they are not just in bundles of 25; some of them have been signed



by three or four people. I may have inadvertently misled the House.

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

I have signed my name to the petition.

**Mrs. Marland:** I have a petition for the Lieutenant Governor in Council signed by 14 persons from St. Catharines Volkswagen Ltd. in St. Catharines. I am sure the Minister of the Environment (Mr. Bradley) wished he were here and able to present it on behalf of his constituents. This petition reads in part:

"Whereas we strongly oppose the intention of Bill 113 for Sunday opening, we believe that the Ontario government must act to maintain Sunday as a common pause day."

#### 1500

**Mr. Pouliot:** I have another petition, which has just reached me, addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario and reading as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead strengthen protection for all workers who do not wish to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in the province of Ontario."

I have, of course, acquiesced by signing the petition myself.

**Mr. Speaker:** The member did not state that it was addressed to the Lieutenant Governor of Ontario.

**Mr. Pouliot:** I was overtaken by emotion and I apologize.

**Mr. Wildman:** I have a petition. This is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It says:

"We, the undersigned, beg leave to petition the parliament as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

It is signed by eight residents of Ontario, one of whose signature is illegible, but I am sure it is genuine, and I have added my name to it.

## AUTOMOBILE INSURANCE

**Mr. Reycraft:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It reads:

"We, the undersigned, beg leave to petition the parliament of Ontario that:

"We, the motorists of Ontario, are strongly opposed to any unreasonable auto insurance premium increase. We feel an increase larger than the average cost-of-living increases would be unjust and unfair."

The petition is signed by 1,113 residents of the riding of Dufferin-Peel and I have affixed my signature.

## RETAIL STORE HOURS

**Mr. McCague:** I have two petitions to present on behalf of the member for Chatham-Kent (Mr. Bossy). They are both to the Lieutenant Governor in Council, one containing 33 signatures from Waekens Chrysler Plymouth Ltd. and a further one from Merritt Marine Boat Sales and Service, from five persons, in which they say:

"Whereas, we strongly oppose the intention of Bill 113 for Sunday opening, we believe that the Ontario government must act to maintain Sunday as a common pause day."

I agree with those petitions and I have signed them.

**Mr. D. S. Cooke:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead to strengthen protection for all workers who do not work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

It is signed by several people in my riding.

**Mrs. Cunningham:** I have a petition to the Lieutenant Governor in Council from the town council of St. Marys, signed by 231 persons from the town of St. Marys and area, which reads in part as follows:

"Over the past year, council has received several petitions and letters from concerned citizens and organizations in St. Marys that oppose the proposed Sunday shopping legislation. Council recognizes and reaffirms their concerns regarding the sanctity of the Lord's Day."

I have signed my name to this petition and submit it for your records.

**Mr. Allen:** I have a petition to the Lieutenant Governor and the Legislative Assembly of Ontario from concerned Leon's employees and customers and it is simply stated that they are against Sunday shopping. It contains 33 names from Port Colborne, Welland, St. Catharines and other communities in the Niagara Peninsula. I have affixed my name to it.

**Mr. Mackenzie:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas it is the stated intention of the Liberal government of Ontario to change the legislation governing the conduct of business on Sundays; and

"Whereas the Premier and other members of the Liberal government have stated the government's intention to repeal the Retail Business Holidays Act and to dump this responsibility in the laps of the municipal governments, who have always indicated they don't want it; and

"Whereas the Legislature's select committee on retail store hours, representing all three political parties in the Legislature, reported unanimously to the Legislature in May 1987 as follows: 'The committee supports the principle of a common pause day in Ontario'; and

"Whereas the first of 17 unanimous recommendations contained in that committee's report was as follows: 'The primary responsibility for the administration of the Retail Business Holidays Act, or other legislation related to retailing on holidays, should remain that of the provincial government'; and

"Whereas the report also said, 'The committee unanimously rejects the notion of wide-open Sunday shopping for Ontario'; and

"Whereas the Association of Municipalities of Ontario has forcefully put forward its view that leaving the regulation of Sunday shopping to municipalities is not what its members desire; and

"Whereas a very broad array of trade unions, religious organizations, small and large retailers, groups concerned about the quality of life in Ontario, families and individuals have publicly indicated their opposition to the government's intentions, on the basis that it will lead precisely to wide-open Sunday shopping, thereby harming working families and working people; and

"Whereas the government's stated intentions can only increase existing pressures on working people and working families and result in less

fairness for them, by reducing their ability to spend time together;

"We urge the Liberal government not to proceed according to its recent statements of intent, but instead urge it to maintain and strengthen the Retail Business Holidays Act; to retain under provincial jurisdiction legislation regulating Sunday work hours; to not pass the buck to municipal governments on this issue; and to give effect to a common pause day for working people and working families in Ontario."

It is signed by a resident of Burlington, Ontario, and I sign my name to this petition.

**Miss Martel:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

The petition is signed by nine residents of the city of Windsor. I have affixed my signature to it and I agree with them entirely.

**Mr. Philip:** I have a petition from a number of people in the Hamilton area.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead to strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on the issue; and to maintain a common pause day for working people and working families in Ontario."

I have signed my name to those.

I also have a petition from 19 residents which reads differently.

It is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day, so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province



and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

I have signed all the sheets.

**Mr. Morin-Strom:** I have five petitions signed by residents of Ontario and all worded the same. They read as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead to strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

I have signed each of these petitions and hope the government will act upon them.

**Mr. Mackenzie:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead to strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on the issue; and to maintain a common pause day for working people and working families in Ontario."

There are more than 25 names contained here, and I have signed my name to it.

**1510**

**Mr. Wildman:** I have a petition to the Honourable the Lieutenant Governor and Legislative Assembly of Ontario. It is written here:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

It is signed by five residents of Ontario, one of whom crossed out the phrase "a day of pause" and wrote in "Sunday." I have attached my name to these petitions and I support them.

**Mr. Allen:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced,

but instead to strengthen protection for all workers who do not want to work on Sundays, to not pass the buck to local governments on this issue and to maintain a common pause day for working people and working families in Ontario."

It is signed by 116 persons who live variously in North York, Scarborough, Richmond Hill, Nepean, Islington, etc. I have affixed my name and support their petition.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr. Philip from the standing committee on public accounts presented the committee's sixth Interim Report 1988 and moved the adoption of its recommendations.

**Mr. Philip:** In its sixth Interim Report, tabled on January 17, 1989, our committee noted that the mandate and the objectives of the St. Lawrence Parks Commission lack clarity. We recommended that the St. Lawrence Parks Commission develop a long-term, minimum five-year operating plan based on the findings of its own studies, which it should commission and submit to the public accounts committee for review by October 31, 1989.

The study I referred to above recommended that the Ministry of Tourism and Recreation commission an independent study to determine the commission's economic and employment impacts on the region and on the province's tourism, to identify spinoffs, multiplier effects and other benefits which exist in the context of its costs and the commission's marketing and promotional activities, including recommendations for the improvement of attendance at commission facilities.

On motion by Mr. Philip, the debate was adjourned.

### STANDING COMMITTEE ON THE ADMINISTRATION OF JUSTICE

Mr. Callahan from the standing committee on administration of justice presented the following report and moved its adoption:

Your committee begs to report the following bill without amendment:

Bill 114, An Act to amend the Employment Standards Act.

**Mr. B. Rae:** I wanted to take the opportunity, on the presentation of this report, to say a few words about it. Indeed, some other members of

my caucus may also want to say something about this legislation.

I want to make it very clear that I think this measure, which has to be seen in the context of the government's approach to Bill 113 and to Sunday shopping generally, is quite unworkable. It is the most bureaucratic approach one could possibly imagine to the solution of a problem. I want to go through the wording of the act if I can and explain why it flies in the face of common sense in terms of its wording and the way it is intended to work.

Before doing so, I want to remind the House of two previous positions taken by the government of Ontario with respect to this question of Sunday working.

The first is the position that was taken by the Attorney General (Mr. Scott) when the government prosecuted Mr. Magder for opening his store on Sunday and the position that the government of Ontario took in the Supreme Court, both the Supreme Court of Ontario and the Supreme Court of Canada, in its prosecution of Mr. Magder.

In its submission to the Supreme Court of Canada, it was the position of the government of Ontario at that time, and this is not that long ago, that in fact the legislation on Sunday shopping should be seen in good measure as labour legislation, as legislation affecting labour relations within the province that is there as a benefit to employees; and makes it very clear that without that legislation in place, that is to say a general prohibition on store opening and store working in the retail sector, that in fact employees would end up having to work.

The argument of the Attorney General at that time in a factum of law and of argument which he presented to the Supreme Court of Canada was simply this: that there would be all kinds of subtle economic pressures brought to bear on employees which would end with their having to work at a time and in a way they would rather not have to work. That is the issue that is dealt with in Bill 114.

I do not only have to draw on the arguments that were made by the Attorney General when he talked about subtle economic pressures; I can also go to an even higher source than the Attorney General and that is to go to the words of the member for Guelph (Mr. Ferraro). The member for Guelph is quoted in the Guelph Daily Mercury in March of 1988, and I am quoting from that paper words which are attributed directly to him, not to the reporter, not to the publisher of the paper or to anyone else in any

editorial aside; this is not in an editorial. This is a reproduction of an accurate kind because there was no letter from the member for Guelph saying that this is not what he said or this is not what he meant. The member for Guelph said:

"'You have to work when the business is there,' he stated and went on to declare, 'Employees are jeopardizing their jobs by refusing to work. An employer will eventually find someone who is willing to work on Sundays.'"

That is the view of the member for Guelph when it comes to his assessment of the real world, of how the economy works, with his street sense of what happens when businesses are open on Sunday and to his understanding of the relationship between employers and employees on Sunday.

**Mr. Philip:** He did not say that in the standing committee on the administration of justice.

**Mr. B. Rae:** My colleague the member for Etobicoke-Rexdale says the member did not say that in the justice committee. All I can do is quote to you, Mr. Speaker, and just in case you did not get it the first time I will read it to you again: "You have to work when the business is there...Employees are jeopardizing their jobs by refusing to work. An employer will eventually find someone who is willing to work on Sundays."

Those are the comments which were made not by the Attorney General but by the member for Guelph, who is of course a leading member and—I do not need to point out to you, Mr. Speaker—a leading light in the Liberal Party caucus. In fact, if there were to be a shuffle in the period before the opening of the next parliament in April, May or whenever that is, I think many of us have a secret sense, almost a sixth sense that a phone call from the Premier's (Mr. Peterson) office will be coming to the member for Guelph. Certainly that may well be the explanation of why he has a phone at his side at all times, just waiting eagerly for that call.

**Mr. Wildman:** Surely he wouldn't say one thing in Guelph and another thing in Queen's Park?

**1520**

**Mr. B. Rae:** The member for Guelph would not say something in Guelph that he would not say in this House. That would be quite out of keeping with the frankness and directness that we associate with that member and quite out of keeping with the sense of direction that we associate with that member, so when he says that



employees are jeopardizing their jobs by refusing to work and an employer will eventually find someone who is willing to work on Sundays, we have, I think, a commonsense kind of reflection of the wording of the Attorney General of Ontario and the argument that they made to the Supreme Court of Canada when they prosecuted Paul Magder, and that is that the whole purpose of the Retail Business Holidays Act is not only to reflect the general social policy of this province with respect to Sunday as a day of common pause for as many people as is humanly possible, but it is also a piece of labour legislation which is intended to protect employees.

The Minister of Labour (Mr. Sorbara) is I think probably the first Minister of Labour I can think of in recent memory who has produced an amendment to the Employment Standards Act which in fact takes away from the protection that employees have under the existing Retail Business Holidays Act. This minister is the first Minister of Labour who has produced legislation, the effect of which is to take away from the rights of working people when it comes to time off and time away.

I know what the minister will say. He will say, "Look, we are amending the Employment Standards Act and we are in fact giving workers a right which they do not now have." That is what the minister will say—to which I will say in reply to the minister that you have to look at the best protection that the members of the working community in this province have when it comes to having to work on Sunday. The best labour legislation you can have with respect to protecting the rights of workers is to say that the places where they are working five or six days a week will be closed on Sunday. That is the best protection you can have for working people, and that is why when I say the minister has taken away from the rights of working people—and really, it is a historic step backwards.

**Hon. Mr. Sorbara:** But this bill applies to the people who are working now.

**Mr. B. Rae:** The minister says it applies to people who are working now. I am going to come to that. I am going to come to how this law is expected to work and how the minister seriously argues or seriously believes this law is expected to work.

But I say to him that every trade union that I have talked to, every trade unionist whom I have talked to who has looked at the wording of this, every labour lawyer whom I have talked to who works for employees and looks at the wording of this, has told me the same thing, and that is that

there is a loophole in this law that is so large you can drive a truck through it and the effect of it is going to be to take rights away from employees who right now have the protection of having the stores closed and in fact it will mean that a great many people will be having to work who up until the present time have not had to work on a Sunday.

The bill makes it clear that it only applies, first of all, to workers in the retail trades and to employees and employers in such retail business establishments.

It then goes on to establish what is called a general right, but listen to the way the right is phrased, because as always in this question of reading the law you have to read the actual wording that is before you. So let's read it very carefully.

"39(h) Except as provided in this part"—there you have the exception—"an employee may refuse any assignment of Sunday work that the employee considers unreasonable."

When the minister was originally discussing the approach they would take to this question, the minister said employees who do not want to have to work on a Sunday will not have to work on a Sunday. That was the original position that was taken by the Liberal government. The original position taken by the Liberal government was that if you do not want to work on a Sunday, you do not have to work on a Sunday.

But in fact, when it brought in the law, what did it do? It said, "Except as provided in this part, an employee may refuse any assignment of Sunday work that the employee considers unreasonable."

What do you have? Do you have the clear expression of a fundamental right expressed in uncategorical terms in Bill 114? Is that what you have? No, that is not what you have. You have the expression of a general wish that is in fact limited, by two particular clauses, to one clause and one word.

The clause is: "Except as provided in this part," and the word, of course, is the word "unreasonable."

What is the effect of these two limitations? The effect is: Instead of saying to employees and employers, "Look, you cannot make your employees work on a Sunday," what does it say? It says, "Well, an employer can always ask his employees if they want to work on a Sunday, and the employee is then given, supposedly, a choice as to whether or not to say yes or no."

At that point, the employees have that choice. Let's say they say yes, for all kinds of reasons:

they need the money; they do not want to antagonize the employer; they do not want to upset the employer; they want to please the employer; they want to stay with the employer; they want to advance with the employer; they want to get promoted by the employer; all the psychological and other aspects of the power relationship between employees and employers which we all know about and which everybody who thinks about it knows about when you think about it in a commonsense term.

To apply the words, "You have the complete freedom of choice as to what you will or will not do," in fact is simply not the case. The first reality is—and it was expressed by the words of the member for Guelph and by the Attorney General in the argument the Attorney General made in the Supreme Court of Ontario on behalf of the citizens of Ontario—the subtle economic pressures brought to bear anyway.

Regardless of what the law says, you have a power relationship which is not an equal one. Everybody knows that. You have somebody who is working for someone else. You have an employer who is in a position to reward or punish, not always in the most obvious or upfront kind of way but in a whole variety of ways, behaviour by employees that is seen as being acceptable or unacceptable.

Imagine this for a moment, Mr. Speaker—not in a highly unionized environment, but in a totally nonunionized environment, one in which you have a small store, where you have three or four employees who are working together and you have an employer who, because he is in a mall that is open on a Sunday, feels that he has to stay open on a Sunday. First of all, the employer does not want to be there on a Sunday; and second, his employees do not want to be there on a Sunday. If they want to maintain market share, they have to be there.

What do you have? You have a law that when you think about it is so absurd in terms of the relationship between employers and employees as to be almost laughable, because what you have is an assertion that, in a small store where you are going to have a discussion about whether somebody should come in on a Sunday or not come in on a Sunday, the full panoply of legal rights and obligations will be brought to bear; you will have employment standards officers coming in as some kind of fairy godmothers to attempt to resolve the dispute between the two parties.

Keep in your mind's eye, Mr. Speaker, a small store where people are working together all the

time; where they are getting along; they are joking with each other; they are going to lunch with one another; they are dealing with each other's problems and so on, and you are asking this employee to say to the employer, "What you are asking is unreasonable and I am now going to take your case to an employment standards officer."

The employee is being paid the high sum of \$6 or \$7 or \$8 an hour, and the argument from the Liberals is that this person is going to take and have an extended dispute with this employer that could last for weeks. We do not know how long it will last because the first thing that you have to do is you may apply to the director. So you have to find out who the director is. When you find out who the director is, you either write him or phone him. They finally get back to you and appoint "an employment standards officer to inquire into and endeavour to effect a settlement of the matter."

### 1530

Employment standards officers all over the province are dealing with wages that are unpaid, with vacation pay that is unpaid, with bankruptcies that are happening. They have to make an appointment and say: "I may be able to get back to you next week. It may be two weeks. It may be three weeks. I've got other cases that are going on. I'll get to you whenever I can."

At that point, if that person is unable to effect a resolution in this dispute, the director is informed by a report that is signed by an employment standards officer. We all know how long that process would take. The employment standards officer has to go back to the office, sit down, write out a report and file a report with the director here in Toronto.

That report having been filed with the director in Toronto, the director is then going to approach a panel of referees who will presumably be younger lawyers and law professors all over the province, a panel of people who are appointed by the Liberals in whatever magic process—we do not know or quite understand. Those people will say: "I'm sorry. I'm going to be in the Dominican Republic for two weeks in the next couple of weeks, but I will be available for a hearing in a few weeks or a month or so." Then we will have a hearing.

This is sort of like something out of a law student's nightmare, or perhaps not a nightmare but a dream in terms of future employment opportunities, because we not only have the panel of referees who "shall convene a hearing as soon as is practicable for the purpose of determining the matter"; we then go on to say,



"In a hearing under this section, the referee shall determine"—

Interjections.

**The Deputy Speaker:** Order. One member at a time, please.

**Mr. B. Rae:** Mr. Speaker, I want you and I want the House to understand that after this has happened, after the employee has been a hero, after he has gone to the employment standards officer and the employment standards officer has come in, after the employment standards officer has said, "I can't figure, I can't determine whether your refusal is reasonable or unreasonable," he applies to the panel, and the panel comes up with the referee and the referee rents a hotel room somewhere and holds a hearing.

The employer will be represented by a lawyer and the employee will be there either on his own or perhaps represented by a lawyer or counsel or whatever. For all I know, we will now have paralegals out there who will specialize in this field, as we have paralegals specializing in other fields.

We then have the process of what is called the determination of unreasonableness, which sets out that, "In a hearing under this section, the referee shall determine whether the disputed Sunday work assignment is or was unreasonable and, without restricting the generality of the foregoing, may take into account,

"(a) the terms of a collective agreement that specifically address Sunday work, if the employee is a member of the bargaining unit;

"(b) the existence of a premium pay arrangement for Sunday work by the employee that is not less than one and one-half times the regular rate of pay of the employee;

"(c) the existence of a policy of the employer to rotate staff to avoid inequitable assignment of Sunday work;

"(d) the history of the work relationship including previous requirements respecting Sunday work assignments;

"(e) the fact that the employer has or has not made reasonable efforts" and so on;

"(f) the fact that the employee was hired on a part-time basis...;

"(g) the existence of an emergency situation."

I will come back to these points because they are very interesting. You will have witnesses being presented from all sides. You will have fellow employees coming forward and saying, "The employer wasn't telling the truth," or, "That's not what he told me," or, "That's not what he said." You will have employees giving evidence in a process that could take several

days. You will have employers who are unhappy taking the case to judicial review because they are not satisfied that whatever technical requirements of the law there are have been maintained. This is absolutely absurd.

You then have a hearing under the section and "a referee,

"(a) may decide what constitutes reasonable assignment of Sunday work in respect of the employee and employer to whom the hearing relates;

"(b) if the referee decides that subsection 39i(1) has been contravened, may order what action, if any, the employer or other person shall take." Blah, blah, blah.

Interjections.

**The Deputy Speaker:** Order, please. One member at a time.

**Mr. B. Rae:** What I am suggesting is that this bill is utterly, utterly unworkable. It is not accessible to employees; it is not useful to employees. It is an absolutely absurd result.

I ask those Liberal members who are here to think of the Sunday working situations they can imagine, to think of the decisions that are going to have to be made by store owners across this province as to whether, when and how they will be open on Sunday. Many of those I see in front of me in the House in fact are small businessmen themselves. They should think how practical or practicable this is.

The minister will say that he is a hero, that he is the guy who is protecting due process, that he is the man who is advancing the interests of employees, that this government has done more, as he said today in the House, for the interests of employees than anybody else since the history of time. But I say that if the minister were really interested in protecting the interests of people in the retail trade on Sunday, he would see that stores stayed closed on Sunday. It would be that simple. It would be that basic.

If he were interested in protecting the rights of people who do not want to work on a Sunday and think they should be spending more time with their families, he would be listening to every single major submission that was made on behalf of working people at the hearing process that was held over the last year; that is to say, the best labour legislation he can have is legislation which ensures that retail stores, by and large, stay closed on Sunday. That is the best protection for workers. Anything else is second best and not good enough.

I say to members that this act is quite unworkable. I want to just describe it in terms of

the law itself. What I want to say is this: If we look, for example, at what it says, what are the things a referee does—if we even get to the referee stage, if the worker is stuck in there all this time fighting every week with the employer, having an argument with the employer, accepting the minor harassment that takes place when you have a disagreement with your employer, accepting the breakdown in interpersonal relations that results from bringing in third parties and having a case go to court?

What do we have? What are the things the referee can take into account, even assuming you get to that stage? We have the existence of “a policy of the employer,” not one that is accepted by the employees, but just “a policy of the employer to rotate staff to avoid inequitable assignment of Sunday work.”

What do we have here? We have a situation where all the employer has to do is say: “Look, it is unreasonable for this employee to refuse Sunday work because I have a policy that says everybody has to do his share on a Sunday. If this employee does not like to work on Sunday, well, I am sorry but he has to work on Sunday because I have a rotation in place which means everybody will work on a Sunday.” Once you have set that policy in place, according to the legislation that is in place here, it is unreasonable for employees to refuse to work on a Sunday.

“The history of the work relationship including previous requirements respecting Sunday work assignments” is another factor the referee takes into account when he or she assesses whether or not the work refusal is reasonable or unreasonable. What does that mean? If an employee works on one Sunday and does that voluntarily, that becomes evidence that can be used in any subsequent event to determine the reasonableness or unreasonableness, whether or not you worked on a previous Sunday.

Members should think about the unfairness of that. The government is putting every employee into an impossible situation. It is basically doing what it said it would not do. This government said it would not allow people to work on Sunday who did not want to work on Sunday. This legislation will do just that.

I am not going to repeat the arguments I made last week when we were considering Bill 113, except to say that this bill takes away from the existing protection workers have under the Retail Business Holidays Act that is now the law of Ontario. It takes away from those rights.

I cannot remember a time in my history in this Legislature when a Minister of Labour has

brought forward legislation taking rights away from employees and pretending it is an advance on the existing situation. It is not an advance. It takes away from the rights of employees. It is a deterioration of the existing situation. That is why we oppose it. It is unworkable, it is unfair and it will not work. It should not pass and we do not intend to co-operate with this government in seeing that it becomes the law of Ontario.

**1540**

**Mrs. Cunningham:** I would like to offer some remarks with regard to Bill 114 this afternoon. I suppose the three words we would use to describe it would be that it is unworkable, divisive and extremely expensive. I would like to begin by quoting from the minister's own statement of Thursday, August 4, where he started by saying: “As this committee knows, the government of Ontario has a responsibility to protect the rights of retail workers who may be affected by any widening of Sunday shopping owing to the passage of Bill 113.”

As we expected, the only reason the Minister of Labour feels compelled to bring Bill 114 forward is to protect the retail workers of Ontario from the Solicitor General's (Mrs. Smith) Bill 113. Without it, we would not need Bill 114.

In the words of the Minister of Labour, “This responsibility will be fully and effectively met by the provisions of Bill 114”—he is talking about protection here—“which is being placed before you today.”

I suggest that as I go through this speech, I can only describe it in one word: It is a hoot; it is just a hoot. I really believe the minister is admitting to the domino effect of Bill 113. He feels compelled to come forth with what he believes is a bill to protect workers in this province. The very fact the minister feels compelled to bring forward this bill is proof the government does believe that the “myths”—we all remember those words of last August—the Solicitor General referred to are indeed realities. I will not take the time to go through those today.

We are talking now about a group of people in this Liberal government that in its own pathetic defence believes the dictum that misery loves company. They tell us that many people already work on Sunday and therefore it is okay to ask more people to work on Sunday.

I would like to go on looking at the speech of the Minister of Labour. After admitting to the domino effect and the reason for Bill 114, he then goes on to say, “This legislation makes it possible for people working in retail establishments to refuse to work on Sundays when they



consider that work to be unreasonable, and to do so without fear of reprisal."

I just think that is so extremely presumptuous. Did the minister consult with the workers of this province who are working in the real world? I think this "without fear of reprisal" can probably be measured in the same way the Liberal members can be measured when they stand up and take their free vote on Bill 113 and Bill 114. We will see what "reprisal" means in this particular Legislative Assembly, and we can then measure what it probably would mean in the workplace in Ontario.

The minister then goes on to say, "In addition to protecting the rights of those who may be affected by Bill 113"—admitting they may be affected—"Bill 114 also provides protection, for the first time, to employees who are already required to work on Sundays."

This truly is a joke. Can you imagine promising to protect all these people who are working in retail business right now on Sundays without adding staff to the employment standards branch? What a laugh. If anyone has any question before the employment standards branch now, he knows exactly how long it takes to get a response. From some of the letters we have, people have been waiting literally years.

The minister then goes on to say, "A key provision"—if this is a key provision, we can imagine what the other provisions are like—"is that Sunday work may be refused"—these are the minister's words; I wish I had understood it as clearly on August 4 as the public has made me understand it over the hearings—"where an employee considers the request...to be unreasonable." This is the key provision—unreasonable.

The definition of "unreasonable" is the key provision. "This test of reasonableness is essential." A profound statement on the part of the minister. "It provides for flexibility in the application of the legislation, encouraging employers and employees to arrive at working arrangements which take into account the individual nature of the establishment and the individual nature of the employee's circumstances."

Because the minister has such confidence in the people being able to come up with those kinds of, shall I say, compromises and understandings, he then goes on with section 39k of the legislation, so that if you cannot decide, you can go to 39k and have a hearing by a referee. I wonder what the Ontario Federation of Labour says about this particular bill, with special reference of course to the hearings by the

referee and the criteria for determination of unreasonableness, which was a joke the minute we opened it.

The Ontario Federation of Labour states, "Bill 114 is bad legislation by almost every conceivable standard." They go on to say: "The protection which the Minister of Labour claims his bill will extend to workers in the retail sector is both illusory and discriminatory. Bill 114 is a hoax." I thought the minister's statements were a hoot, but the bill is a hoax. "The minister's defence of his bill is patently dishonest."

They go on to say: "The Minister of Labour claims that Bill 114 will protect workers in the retail sector from unreasonable Sunday work assignments. In fact, the bill will do nothing of the sort." I think those kinds of presumptions and promises are just that, raising expectations of employees who, by the way, have not been bought by this one at all. It just gives you a clear understanding of where this government is coming from when it is trying to relate to people who are working in the real world and people who will be forced to work on Sundays in the retail sector, most of whom will be women and many of whom will be single parents. We are talking about the Ontario Federation of Labour statement on the effects of Bill 114.

According to the minister, retail workers can refuse what they regard as unreasonable Sunday work assignments. Some days, I wonder if the people who put this kind of legislation together have ever, even during their young years as students, been asked to contribute to their family by way of part-time work. Sometimes that work is on Sundays.

The employer is supposedly constrained from using discipline or other coercion, just as the Premier will not be using any discipline around the free vote on Bill 113 and Bill 114. On that, we know every municipality in this province has placed petitions before us, and we know the members from those municipalities, who should be associated with those petitions against Bill 113 and Bill 114.

The Minister of Labour goes on to say that if the employees' employer judges the work assignments reasonable, then he must apply to the employment standards branch for an investigation by an officer and ultimately adjudication by a referee. If your employer thinks your assignment is reasonable, in other words, you should work on Sunday because he or she says so. Then you go before this employment standards branch and you have a referee within the existing staff complement.

This will be the first time since I have been at Queen's Park in almost a year now that I have seen anything done within the existing complement. I have to be very specific about my criticism and say that I have only been involved in some four or five sets of estimates, and within the existing complement is not the practice of this government. I should say some 8,000 new employees of the government is in fact the practice of this government within the last two years.

The worker's initial refusal to work supposedly stands, unless and until it is overturned by a referee. What a beautiful intention. You have an argument with your boss and say, "I don't want to work on Sundays." The boss says, "Oh, but we want you to work on on Sundays." Then you go to work for the next year and a half and everybody is happy, because people normally are very patient. They are not too upset. They certainly are not going to rock the boat while this process is in place because, quite frankly, the kind of people who are subjected to this kind of legislation are the very people who need their jobs. They would not be working on Sundays in retail if they did not need their jobs.

**1550**

The question is, will it work—this again is the labour statement—"especially in the 90-plus per cent of establishments that are nonunion"? Can members imagine a labour group making these comments? They really do care about employees whether they are part of organized labour or unorganized labour—nonunion.

"An instructive benchmark is the 'right to refuse,' which has now existed for more than 10 years in the workers' health and safety act. In that act a worker can refuse to perform work that he or she judges to be unsafe. To what extent has that right been exercised by nonunion workers?" I notice the minister is not in the House right now because this truly is embarrassing.

**Mr. Pouliot:** He is embarrassed.

**Mrs. Cunningham:** I do not blame him.

I really wondered, as I was making this presentation this afternoon, if I could remain serious because this legislation is such a joke except for the poor people who are going to be subjected to it down the road.

It is a joke that this bureaucracy, this government, this huge majority government with the resources it has, could come up with a piece of legislation that is so insensitive to the needs of workers. You just wonder some days who has input from the grassroots. For a party that went out across Ontario and said it was going to listen

to Ontarians, it certainly is showing what it means in the way of its nonpromise.

First of all, it never even talked about this legislation during the election; and secondly it has not listened to anybody who has come here to tell it about it. I know, because I was there.

"To what extent has that right been exercised by nonunion workers? In the past year, that right to refuse"—this is the Occupational Health and Safety Act; we are talking about workers who refuse to perform work—"was exercised on some 450 occasions...." Do members know who exercised it? More than 90 per cent of those cases were in unionized establishments.

Obviously, for people out there who are watching this debate this afternoon where we are trying to bring their points of view to this House, by the way should know that if they are in a shop that has some three or four employees, they really ought to be thinking seriously about getting themselves a collective agreement, because if a mediator were to come in and try to solve a problem in their establishment of three or four employees, the first thing he would look at would be whether the employer and the employees had a collective agreement. That is the first thing.

We asked the minister if he would put down a letter of agreement or if he would put down anything where someone had come to some agreement as the very first criterion for judgement, if he had to go through with this legislation and push it through the way he is. He obviously did not take our advice, and I should tell members the reason we did not put any amendments forth is that this piece of legislation is so bad it cannot be fixed. Why should we be party to something that is so bad it cannot be fixed?

We were hoping, of course, that the Liberal government would withdraw both Bill 113 and Bill 114 and listen to the people who put their trust in it.

Secondly, if you are the owner of a retail business establishment that has just a few employees, you should seriously be thinking about whether you have a premium pay arrangement for Sundays. That is time and a half. It is more than regular time. Because if you do not, that one will be held against you as well.

We could go on with some other seven or eight criteria that the referee will look at, but just in closing on that whole issue, the Ontario Federation of Labour statement, made, I think, a very important observation.



"The reality is that workers in the retail sector, especially where they are unorganized, are far too vulnerable to employer pressure to make their supposed protection under Bill 114 anything except a cruel illusion. The right to refuse unreasonable Sunday work will be as illusory a protection for unorganized workers as is the right to refuse unsafe work."

We appreciated those kinds of statements that were made during the hearings and we tried in vain, obviously, to influence the Liberal members on the standing committee on administration of justice. We are very sorry that we feel we have to stand here today and even make statements on this bill, which we thought would have been withdrawn perhaps even at the committee level.

What we have in Bill 114 is a piece of legislation that creates even more new problems for workers who do not want to work on Sundays. Workers came before us and advised us repeatedly that they were opposed to extended Sunday shopping because it interrupted their family life and it was an unneeded burden on their working hours. Workers need a common day of rest, a common day of pause. All families need a common day of pause. Literally thousands of people have made their voices heard in this debate across the province since this legislation was introduced a year ago.

Whereas Bill 113 pits municipalities against municipalities, communities against communities, businesses against businesses, Bill 114 unfortunately pits employers against employees and employees against employers.

In New Brunswick there were extensive hearings because in fact they did have a piece of legislation which very much resembles the intent of Bill 113 and Bill 114. They listened in their public hearings and they are very serious in their intent right now to withdraw a piece of legislation that does not work. In that instance, the government did listen and acted upon the wishes of the public.

This debate is about a day of pause for families and a day of rest for workers as opposed to the Liberal government's intentions in Bill 113 and Bill 114, where they are really more concerned about customers and large retailers who want another day of commerce and convenience. That is what this Liberal government is all about.

We have no idea where the push is for this piece of legislation. We tried in vain to listen to just two briefs that would support this legislation and that made any sense at all. The only push we saw in reality was a brief from Cadillac Fairview, which came forth and talked about this

legislation—both Bill 113 and Bill 114—as being a necessity for them in their business world. That was the only specific brief that spoke in favour of both bills in the world of business. I think this Liberal government should be very much concerned about that.

These bills, Bill 113 and Bill 114, are legislation about working on Sundays. They are not legislation about shopping on Sundays.

As the Minister of Labour warned in his very opening statements, on which I would like to end, "The government of Ontario has a responsibility to protect the rights of retail workers who may be affected by any widening of Sunday shopping owing to the passage of Bill 113." On the words of the Minister of Labour, we rest our case.

## 1600

**Mr. Pouliot:** I certainly take no pleasure in rising, although I welcome the opportunity to join my voice of very strong dissent with the many across the great province of Ontario that have been heard and unfortunately fallen on the deaf ears of a very arrogant and determined government, which has chosen under the mask of this ill-thought legislation to forgo traditional values. I come from a background, like many of my associates, in the riding of Lake Nipigon where Sunday as a tradition was set aside for families, for workers to prepare themselves both physically and mentally for the week and the task ahead.

It is one of the problems that we have with representation in this House. As I look around me, I see many lawyers, maybe one or two doctors, a score of business people and some so-called philanthropists, but I fail to see too many who have really "worked for a living." I fail to see many people who have belonged, with their brothers and sisters, to a union. I see many who have belonged to other syndicates but not to a labour movement.

I ask myself about this when I see the spirit and the intent behind Bill 114, which will force people to work on a Sunday if the employer, the entrepreneur, for a fistful of dollars, for a few dollars more, chooses to dictate to the less fortunate, to the workers making a small or very low salary, that they shall do so. I see this kind of legislation and I ask myself, "What has happened to traditional values?"

The common pause day was the day we would go and watch a ball game, the day the family unit would be enhanced; we would go on a picnic or a walk. It is gone because some people made a touch on the government. Some powerful ele-

ments in this society convinced the government that six days of shopping and six days of working were not enough. The government, in its lack of courage and wisdom and because it could not really make up its mind, said: "Are we going to acquiesce to this powerful element in our society, to the strong lobbying group that has turned lobbying from a vulgar trade into an honourable profession? Are we going to say yes to that minority imposing its will on the majority of people, or are we going to listen to the voice of reason and say: 'No. This time enough is enough. You have gone too far. Sunday indeed shall remain a common pause day'?"

The government came up with what it thought was a better mousetrap. It passed the buck. Unable to stand up and be counted, unable to show vision, unable to put forth leadership, the government cowardly chose to pass the buck to municipalities and said: "Yes, we can have it more than one way. This is the art of the possible. It is a very touchy, very emotional issue. People are up in arms. People are shocked and appalled; they don't want us to say yes to the 'free enterprisers' this time for Sunday. We'll make the municipalities responsible."

Then there was an unprecedented match of ping-pong between the some 850 townships and municipalities, small cities, villages and hamlets in Ontario saying: "We don't want that can of worms. It's not our decision. What's wrong with you, government? When the going gets rough, you don't want to make the decision; you want to pass the buck to municipalities."

**Mr. Philip:** A bag of snakes is what they said.

**Mr. Pouliot:** I am reminded by some friends that not only was it the proverbial can of worms, but it was bigger than that; it was a bag of snakes. It represented government at its worst, not only a mistake. I have talked privately to many members, and they are all over—"We are under siege"—there are 94 of them. I said: "Tell me honestly—there are only the two of us here—if you had to do the same thing again, would you be in favour of Sunday shopping?"

"Well, I am not quite sure."

I said: "I won't tell anyone. Trust me. Or would you present it in the same way?"

They said, "I'm not opposed to Sunday shopping, but I would present it in a different way."

I said, "Aren't your constituents calling you? Aren't they saying that what is being done here is wrong, that you have gone too far?"

It may not cost them too much, but politically it may affect five or six or seven. I do not know.

We are all trying to stay alive. We are trying to put our best foot forward in representing the interests of the people of our constituencies. But almost every individual has said: "Gilles, my constituents don't like it. Not only do they dislike the spirit and the intent, but the fashion, the method, the approach, the passing the buck to municipalities, the lack of courage, the lack of vision." They go on and on.

I have to say: "Don't get emotional. Try to emulate me when you make a presentation. Keep your cool. Stick to the subject matter being addressed. No need to get excited." I agree that some people, I can assure members, have a right to get excited for far less; but I said: "Let's stick with what is being done here. Let's stick to the real world."

Again, in the real world, where it is really happening, outside this bubble here, outside the House—because this is not the real world—the minister stands up; he has never done a day's work in his life.

**Hon. Mr. Kwinter:** How can you say that?

**Mr. Pouliot:** Not the way I understand work. These are the hands of a miner of 20 years; I am legitimate. When I speak on behalf, for and with the workers, I know what I am talking about. The Minister of Labour owes an apology to the workers. He tells them, "You don't have to work on a Sunday unless you want to." He is certainly shying away from the truth, to say the least. The truth does not become him.

**Mr. Smith:** You're hitting the fine line here.

**Mr. Pouliot:** Oh, the fine line, my friend. The Speaker is an educated person. He knows who is telling the truth around here. I do not have to fear the standing orders.

There is no such thing as not having to work when your boss tells you that you have to go to work. You will get the cold shoulder treatment. You will not get a cost-of-living adjustment. What are you going to do if you are told: "You either show up tomorrow, Sunday, so that people in the Ottawa Valley and other parts of the province can make a supplementary dollar, or you stay home. That is the choice you have. You show up for work. It is my way or the highway, the doorway; you do not have a job?"

You are left without a job, but you have recourse, because the day of judgement is not what will fix your dilemma or your impasse. You go to a referee. Imagine. You come home, you cannot meet the bills, there is no food on the table, but you go to a referee, who may be a political hack—you know, the future can last a long time—a mover and a shaker; someone from



the consortium of the SkyDome; I don't know. Certainly, you will not see many workers being appointed.

That person, a year and a half or two years down the line, will decide if you had a right and if you had a case when you worked a year and a half ago for \$6.50, \$7, \$7.50 an hour. Bring back Kenneth Carter.

**1610**

I do not have to tell you the kind of attention that the working poor have been receiving when it comes to social justice, not only in this province but in this country of ours. I do not have to start naming one by one the kinds of fundamentals that should be addressed and should be redressed. Nobody will even talk about them. But I have to believe the Minister of Labour and the present government: when it comes to Sunday shopping the workers will be given unprecedented protection; when we know very well that the more fortunate—many people in this House—pay lower taxes on a percentage basis than some of the people whom I represent and who are making \$6.50, \$7, \$7.50 an hour.

**Mr. Philip:** That is disgraceful.

**Mr. Pouliot:** It is a disgrace. We do not have a progressive system of taxation. Perhaps it was intended that way. We do not have the kind of protection and representation for the poor that we should have. The fundamentals do not make any sense. But I must forget about all the past performances, the subject matter, the proof that is presented to us on a daily basis and say that when it comes to protection at the workplace, if I choose to go to church on a Sunday instead of working, if I get penalized in the process, that man will take care of me; a year and a half, two, two and a half years later, the referee, the hack who will head the commission, will hear my case.

I can just see them, the proverbial cap in hand, going up the steps of the commission or the board, being subjected to the kind of formalities two years after the fact. It does not work; let's face facts.

It takes courage to resist the representation, the appetite of the more fortunate in our society, the big lobby groups, the people who can impose their will at will, simply because they have more. They are more educated. They can buy the best of representation. They do those things with words. They are very convincing. At times they are good actors and they are very credible.

They have all those attributes, all those qualities. They have access to government offices. They know people. It is not a boys' club,

but it is selective. It could be a boys' club, but you know it is not for our people; it is not for the people who are working at \$6.50 and \$7 an hour and who keep the family unit alive in society. An important component of solidarity and unity is Sunday. Sunday is not the only chance they have left, but it represents that one day in the course of the week where the family can get together: the essence of society.

I do not believe for one minute that if someone has to work Sunday it will be the collapse of that family unit; but on the other hand I believe very strongly that every component, every opportunity that is not being enhanced is a missed opportunity.

**Hon. Mr. Conway:** Look at all those bingos I stayed through.

**Mr. Pouliot:** I want to tell the minister that when it comes to Sunday shopping—and I see him seem very convinced—nothing will get to the minister. Church groups have tried to say: "Minister, things really will not work. Listen to us. We speak from the heart and we don't want our parishioners to work on Sunday." Labour has tried on several occasions to make a dent, to tell that man that what has been talked about here has not got the proverbial chance in hell of being applied or respected.

But no, he is determined, like a soldier at his post, representing the people who stand metres tall in the economic parade. I do not envy him. Life is short. When I look at the Minister of Labour, I do not have one bit of envy. He has a chance in the position that he occupies to do what is right here. I am not embarrassed, but what I find very, very sad is that he is convinced he is doing the right thing. There is no hope of penetrating.

**Mr. Philip:** I think you may be misleading the House.

**Mr. Pouliot:** I would not even dream of misleading the House.

**Hon. Mr. Conway:** Well, let's hear it.

**Mr. Pouliot:** The rules are such that I would be taken to task, and I would be the first one to take up arms if someone should question the integrity of the House.

One thing I can do while I have immunity in this House is to remind the minister of the need for the mind, for the body and the soul to do a good day's work. It does not have to be in the mine, where his disguise might not be sufficient that the workers will not recognize him.

While I represent the people not only of the riding of Lake Nipigon, where Sunday shopping

is not as much an issue as it is elsewhere in the province—although it is an issue—

**Hon. Mr. Conway:** It's one thing for Jim and Tammy Faye to be back, but this is getting next to incredible.

**Mr. Pouliot:** I do not think the government House leader, who represents at times a court jester, a personage, and prides himself in being the best theatre in town—by virtue of being a free theatre, maybe he is—has any lesson for or should point the finger at anyone else. It is a disgusting performance.

The day that Bill 114 becomes law, that very day will be another nail in the aspirations of the workers of Ontario, the very people who have always paid their taxes, who provide the most essential of services in our society and who quite often do the jobs that other people who have a choice will not do. They do not rebel. They really are our best soldiers in what is a system that is quite fragile. We see it as very strong. It is strong by virtue, but it is also fragile at the same time.

This kind of important component not only literally takes away not from all, but from many people the right to have a day—traditionally Sunday has been the day when the family unit is enhanced by virtue of being together to do things that do not involve work. What that kind of component does for some is it takes away, but it tells others, it tells all of us, that nothing is sacred.

What do you do? Sure, I run out of money. I am frugal; spartan, perhaps; a person of moderate means also. Sunday is the only day. I have Monday, Tuesday, Wednesday, Thursday, Friday, up to 9 o'clock, 10 o'clock sometimes. I have all day Saturday. I have catalogues.

**1620**

I look forward to Sunday. I have Sunday. I worked 20 years of Sundays. I know what it is like. I worked Sunday on what they call the graveyard shift, the night shift: 20 years. It leaves scars. I worked in a mine for 20 years. Twice I suffered from cyanide poisoning. It is not an easy task.

I really believed when I listened to the government. I said, "These people sound sincere. They perspire sincerity," and in some cases you could see the perspiration. Then I come today and I see the very opposite. I am shocked. When I read the bill, I could not believe it.

We had meetings, the party of the social conscience, the New Democrats, and we said: "Let's move some amendments. Surely it is just a draft. The government does not mean what it says. It is just testing the water." We proposed

some amendments, and as I look at the final draft, it is the same thing. They have chosen not to listen. We were robbed.

I recall in 1985 that we had a minority government. The word "minority" should always appear on ballots. The chips do not quite fall that way, but it is the only way to go. When I see this kind of legislation, which only a huge majority will permit, I say, "Caution yourself, Gilles." If ever a politician comes to me and says, "I need a strong mandate," almost automatically I would vote against that person, because I know—and we have seen them back to back—that with a minority government, fear is a motivator. They will do anything to get in power. They need your support. They will do almost everything to stay in power. Those are facts of life.

In conclusion, there is so much to be said against this kind of endeavour, this bill. I could go on and on, explaining in every detail the logical and reasonable grievances expressed by the people of Ontario. I will not do so. Suffice it that the minister and this legislation will be judged very harshly. In the 11th hour, the minister still has a chance to do what is right, to stand up at his post on behalf of the workers in Ontario and say, "What is being done here is wrong, and I withdraw the bill, with apologies." It takes quite a person to do that.

**Mr. Laughren:** It takes a real soldier.

**Mr. Pouliot:** It takes a soldier, indeed. I am just wondering if the minister has it in him. I know that if any one member of our party had the privilege to serve the province in that capacity, every day would be Christmas for the workers of Ontario. That day will come, I can assure the members, but we will be busy trying to rectify what has been put forth. There is no excuse or justification for what has been done.

**Mr. J. M. Johnson:** Before I start, I wonder if the Minister of Labour would give any consideration to withdrawing Bill 114 due to the very excellent presentations that have been made today and over the past several months. Surely a reasonable, intelligent individual such as himself should recognize that many arguments have been put forward as to why Bill 114 is flawed. Any consideration? No?

**Mr. Chiarelli:** I guess you have to speak.

**Mr. J. M. Johnson:** Yes. Having failed to convince the minister, I will try. The problem is that the minister was—

**Mr. Laughren:** Did you see what he did to injured workers, why are you trying to screw healthy workers too?



**The Acting Speaker (Mr. M. C. Ray):** Order, please.

**Hon. Mr. Sorbara:** Jack, you'll have to wait a second. The Speaker has a word for us.

**The Acting Speaker:** The atmosphere is developing an unparliamentary informality. The member for Wellington would like to be heard. I hope that members will allow him to address the assembly and that some will listen.

**Mr. J. M. Johnson:** I was trying to make the point that the minister drafted Bill 114 to cover up the mistakes made in Bill 113. Having done so, he has created the false impression that workers will be protected when, indeed, he knows that it is extremely difficult to draft legislation that can do what he intends. It is fine to say that retail workers do not have to work on Sundays, but when the employer tells them they are now forced to stay open because of Bill 113, then they really do not have any choice.

Many of the small retail stores in this province have only one or two employees, so really the result, even in a fair situation, is that both owners and employees will have to work their fair share of Sundays. Even if this can be divided equally, they both will end up working approximately 25 Sundays in a year. That in itself is a hardship for the employees, employers and their families. When we have asked people if they would like to work Sundays, in most cases they have indicated that they do not want to do so. If they are given the choice of working or not and if they jeopardize their jobs by refusing to work, then they really do not have a choice and Bill 114 becomes a farce.

There are approximately 400,000 retail businesses in this province that are not open Sundays. If many of them do open because of the implementation of Bill 113, then the minister will have created a problem because many of these people will have to work. He has drafted legislation that he thinks will protect them, but it is really quite unreasonable to think it can do so in most cases. Granted, if the store is large enough and there are enough employees, then maybe there is some accommodation that can be worked out. But in the small retail outlets—and they make up the majority of the retail stores in this province—if there are only two employees, how can he protect them when one or the other will have to work?

The store does not really have a choice, because if a competitor is open on Sunday, it is then forced to comply and to also open for business on Sunday. If it does this, it then requires the work of its employees or, as I

mentioned earlier, they have to work themselves. Is anyone listening?

**Hon. Mr. Sorbara:** I am transfixed, Jack.  
1630

**Mr. J. M. Johnson:** I was trying to make the point that the legislation is unrealistic, especially in the case of small retail stores. The minister has placed an extremely heavy burden on the employee to tell his employer that he will not take part and share in the operation of the business. It really places them in a position where they cannot refuse.

If the employer is very determined, he can find ways and means of dismissing that employee without conflicting with the legislation that has been drafted.

For that reason I state that in my opinion it will not work. I think it will create a lot of problems, a lot of animosity between the small retailer and his employees. I think the minister has created a situation that leads to unnecessary confrontation between the two groups, and unexpected problems could arise through the use of the clauses that state that they can be exempt from working, such as the religious clause.

It is my feeling that Bill 114 is discriminatory because it includes the premise that retail operations must declare religion within their corporate bylaw, which we can only suppose will be a determining factor in an employee's decision to refuse Sunday work. If I am incorrect on that, I can be corrected after, but it is my understanding from reading the legislation that this, indeed, must be incorporated into the bylaws of the businesses. It is not at the present time. In fact, it is my understanding that it is illegal for employers to ask potential employees their religious preference. Then how can they claim an exemption to work Sundays if they do not disclose their religion and the religious reason for not working?

When it says that they have to have a test of reasonableness, does that not also include the religious reason? If we are asking employees why they refuse to work on Sundays and they claim it is because of religion, does that not contradict the very point that your legislation is bringing forward?

I would not mind, when the minister's turn comes, if he would address that, because it is a problem that we are dealing with during this session, the issue of the problem relating to the Lord's Prayer in the school system and the Supreme Court ruling that it is no longer permitted as we have been using it in the past. If this is the case, does this not fly in the face and go

in the opposite direction. Where before employees were able to keep their religious beliefs to themselves, now they are going to have to use it as one reason why they should not work Sundays. I will leave that to the minister to correct.

It is my contention that what an employer considers reasonable is very different from what an employee considers reasonable, and what the mediator for the ministry may consider reasonable may be different again. Who is going to have the wisdom to make these decisions?

We are dealing with a very specific issue that does not require major consideration with the exception that in the mind of the individual, what the employer considers reasonable may very well not be considered reasonable by the employee. It can be just as simply that the employee does not want to work and the employer has no choice but to keep his store open. He requires that employee and if one refuses, then he has really no choice but to dismiss him for whatever reason, and to hire someone who will fulfil the function, or he has the choice to work 50-some weeks himself.

As I mentioned earlier, I think the problem goes back to Bill 113. It was a mistake that has been compounded by Bill 114. The government tried to bring in some protection and failed to so do. A problem has been created for many hundreds of thousands of retailers in this province and really for no benefit.

The minister would be far better to say that Bill 114 is not workable; bring Bill 113 in and have it defeated by the reasonable, intelligent members of his party who will vote with us and put an end to this charade.

I have presented many petitions on behalf of my constituents opposing this legislation—both Bill 113 and Bill 114—I stand in support of these people at this time and request this government to give consideration to not bringing forward the bill and indeed to withdrawing it.

**Mr. Mackenzie:** I am more than happy for the minister to leave. Just before he goes, I think I understand from his comments today why he had those long, wavy locks of his cut back and why he has the new style that he came into the House with. Most of us did not recognize him the first couple of days. It was then he said that he liked that idea of a soldier; I guess he was girding for battle to take on the workers in terms of labour legislation and Sunday shopping—a call to battle, I guess. That must have been what was influencing the Minister of Labour.

I have some difficulty knowing just what I want to say or where to start this afternoon on Bill

114. I do want to ask the question that I think I heard my Tory colleague the member for London North (Mrs. Cunningham) mention and that is: what is the reason for the government's position on this legislation?

They certainly cannot point to the vast majority of the labour movement; to the vast majority of religion, organized or otherwise; to small business people; to any of the antipoverty groups or any of the social groups, welfare groups or those who are genuinely concerned with the pause day.

In other words, the vast majority of ordinary people in this country, if not against the bill certainly are not for it, and very many of them are against it. So what is the incentive? Where are the Liberals coming from in this particular legislation?

I know the Attorney General got tired of fighting with Paul Magder when he could not win the battle, in terms of not being willing to go ahead with the charges, but I am wondering if I cannot give a little bit of credit, once more, to one of my Tory colleagues, which I do not often do. That is the member for London North, once again.

She said, "Why and where is the pressure coming from for the government to move on this bill?" A bill, incidentally, which is a patent piece of garbage, and we will go into that in a minute. But where is it coming from?

**Mr. Chiarelli:** What about the rest of the act?

**Mr. Mackenzie:** The member will get his chance if he wants to. If he wants to take the floor now for a moment, I will sit down and let him have his say.

Let me raise again the point that was made by my colleague the member for London North for a minute. She said she had only been able to discover one group of people who were in favour of this legislation—it showed in their petitions before the committee—that is Bill 114, and that was Cadillac Fairview.

The minute you stop to think and look at the big malls, the growth of malls and the proliferation of large and small malls in Ontario, you understand that the biggest driving forces for this legislation have been the Cadillac Fairviews of this country. Why? Because they do have clout. They can say to the small stores that operate in the malls: "Hey, we can get the big boys to open. We can open Sunday in this mall. It is much more economic and much more of a revenue producer if we can get all the small operators in as well." Of course a condition of holding your licence in



many of the malls—not all, but many of them—is that you go by the rules of the mall owners.

Is it possible that because it is good for the Cadillac Fairviews and the mall owners, that maybe if we took a look at election contributions, they probably give more to the Liberals than they do to anybody else? I suspect anybody who wants to go and research the files will find that the donations from the Cadillac Fairviews of this country to the Liberal Party are pretty hefty.

Is it possible that this bill is good for Ontario only because it is good for the Cadillac Fairviews? And that is darned good for the pockets of the Liberal Party. Certainly it is a valid question to be asked, and I find it interesting.

**Mr. Reyecraft:** Where does your campaign money come from?

1640

**Mr. Mackenzie:** We can go into that too, quite easily.

I would find it very interesting to have some honest answers here. Maybe this government would fund a little research that tells us how much money came to their party from the major owners of the malls in Ontario.

If I can raise another small matter, my colleague the member for Lake Nipigon (Mr. Pouliot), in his own inimitable way, said that he felt many of the Liberal members had maybe not had as much of a background in the labour movement as some others. There were immediate calls from the left here. I do not know where all the Liberal members came from, but I can tell the House that not too many of them had 20 years in the mines as he did. Some of us—not all of us—have worked at the shop floor level too, but that is not a criterion alone. I have done it in automobile plants and shovelling coal on the lakes and a number of other things. If these members were right, if many of them in this Liberal caucus had that kind of workers' background, they sure as blazes have forgotten where their roots are when they come in with legislation like this, and that is pretty obvious.

I am in a good humour. I am not going to get angry at anybody this afternoon. When you listen to the kind of garbage you occasionally get and when you see legislation like this bill, you have to be able to laugh a little bit, including at yourself, or you would probably blow your cork and have a heart attack or a stroke or something when you see the kinds of things that are being done.

I want to read out of Hansard, so I am not misleading anybody, the words of our Minister of Labour himself when he talks about Bill 114. I

am asking the Liberals in the House to give me the reasons, the answers and the justification for what he says, because it is not reality. That is coming, as I say, from everybody but the Cadillac Fairviews and the Liberal members of the House. He says:

"When we announced that we were going to be bringing about changes to the Retail Business Holidays Act, we said that we would at the same time introduce amendments to the Employment Standards Act to afford an appropriate protection to retail workers who may be called upon to work on Sundays. Bill 114 achieves that objective. I do not think its importance can be overestimated because for the first time in history we have provided meaningful, workable and enforceable protection for all employees in the retail sector.

"For the first time, workers will be able to refuse assignments of Sunday work that they consider unreasonable."

That is what he said in this House. Could he be any clearer? Defend it. How can he justify it?

Let me start with a little episode that took place when we were dealing with this bill in committee. It was raised again in the estimates of the Ministry of Labour just this past Thursday, at some length, I might say. I questioned the fact that any employee who tried to take advantage of his right to refuse under this bill—and in a few minutes we will deal with how many are likely to, and it is very few—was going to have to go to the employment standards branch. The minister has made no provision in the bill or the regulations, nor has he indicated there will be any more employment standards officers.

I suspect most members in this House, if they are honest and straightforward with all of us, have problems coming into their constituency in terms of workers being unfairly treated or not getting all their pay in a closure or having some severance pay or vacation pay held back. There are a thousand and one reasons why you have to go to an employment standards officer. All members will know that today the waiting list is months sometimes even to get a case heard.

**Mr. Chiarelli:** So employees actually use it.

**Mr. Mackenzie:** Oh, yes, some employees use it, but the member should be a little careful before he gets his legs cut out from under him.

If you go to employment standards, what are you going to do? To begin with, you are going to wait weeks, maybe months, before your case will be investigated, and then there is the investigation itself. I have had relatively straightforward cases that have waited four and five months before they get to employment standards and

then I have had as much as three months in process. Then I have ended up calling employment standards or the director and raising heck because we have been waiting six or seven months and have not had an answer back on what I thought was a relatively straightforward case.

I raise this as a concern. How can the minister say we are protecting these workers when it is going to take so darned long and many of them are poor people who cannot afford it? There are many reasons why they will not take advantage of it when it takes so long to get your case heard and to get justice if you are unfairly dealt with.

Do members know what the minister's first answer was? He has been having difficulty with it ever since. He was saying, "That has no bearing." I hope there are some members who sat on that committee last week. "That really has no bearing on it, what the member is saying, because the worker is protected against the right to refuse. The law says that he cannot be fired."

If there was ever—and I will phrase my words carefully—a misleading defence of this bill, that was it. Just like it says you cannot speed, you cannot hold back somebody's wages or you can go to employment standards or you name it, you are not supposed to break the law in any one of 100 different ways in this province, that does not mean the law will not be broken. Where you have no union—and that is 90 per cent of the workers who will be covered under this legislation, so you are on your own, a little retail worker in a situation like this—you go to that employer and say: "No, Mr. Employer, I am not going to work on Sunday. I do not want to. I do not think I should be forced to." He is a very nice employer; he says, "Please do." There are all kinds of other pressures he can use too. He may very well say: "Okay. You do not have to work Sunday." A week later, instead of working 34 hours or 30 hours, and quite often it is short time in the retail trade, you find that you are only called in for 24 hours, 18 hours or 16 hours: something that I mentioned to the minister I am already having problems with in some of the chain retail stores in my own community, and I know it is happening here in Toronto as well. There is that kind of pressure.

There are all kinds of scenarios we can lay out, but if that does not influence the employee himself and he still says: "No. I am going to live with the short hours even though I am the one who hurts as a result," the employer then says: "I am sorry. I need a workforce that works on Sunday. I am going to fire you." He may not even be that brutal. He may just say: "Because you do

not want to work on Sunday, we are going to have to find somebody who will. I am sorry. Your employment is terminated."

That employee then has to go to the employment standards branch. He may or may not be able to prove his case—and with the clause "reasonable" in there, it is going to be extremely difficult at any time—but if he does prove his case, they go through this procedure: the employment standards officers take a look at it; they spend several months before they come down with a decision; they finally come down with a decision; and if the employee is not long gone or has finally found something else, probably at the minimum wage too or very close to it, he wins his case and he is taken back with back pay.

Supposing he gets that far: he wins his case and he does come back with back pay. Not only has he gone through the pressure and the problem and the nerve-wracking time he has in deciding whether or not he wants to take on this employer and say, "No, I am not going to" and whether it is quick treatment or whether it is the slow, painful kind of a treatment trying to convince him he should work and he finally is fired, the bill specifically states or talks about the right to reinstatement. That is why I make the point and why my friend the member for London North should understand. When the minister said, "The law says you cannot do it, so it is not really relevant," he was totally misleading in that particular argument, because there is nothing that says the employer cannot or will not and that will not be what we face. I am simply saying, let's not play games with people in terms of "because the law says you should not do it, that is not going to happen." That has not been the proof up until now.

We purposely read the brief of the Ontario Federation of Labour into the Ministry of Labour estimates because I thought it was worth putting there; but I think it made two or three points that have been alluded to and I want to reinforce them. We have only one area where we have any expertise in this particular field, the right to refuse, in Ontario, and that is under safety and health legislation. There were some 450 occasions in the last year where the right to refuse was used, but in excess of 90 per cent of them were in unionized establishments. I think it is important to understand the percentages. That covers about one third of the workforce in Ontario.

#### 1650

If you are lucky enough to have a union, to have the backing—and usually they give classes



and there is some training; some are better than others, but there is some background, some training—you know you have a steward, you know who the local union president is and if you follow or are active in the local at all, you know who the staff person is or who the national or international rep is and it is not difficult to reach them. You have some backing.

So where a third of the workers in Ontario, only one in three, are organized, 90-plus per cent took advantage of the rights to refuse on safety and health only when they were organized into a trade union, and that is where your life may even be at stake. It may be a lesser problem, but it is serious.

Let us take a look at the retail trade, which this most affects. I do hope, that members opposite at least hear what I am saying—even though I know not one of them is going to keep it in his head; it will go in one ear and out the other. In this business, 90 per cent of the workers are not organized; only about 10 per cent are. You have a lot fewer organized in this retail business than you have in the labour force in Ontario generally. They tend to be poorer-paid workers and, while there have been some real advancements in some of the bigger locals, they tend not to have the bigger unions.

When the experience in the much stronger, general labour picture has shown that where their own lives may even be at stake it took a unionized workforce before they took advantage of the right to refuse, how many people do members think are going to defy the owner where only 10 per cent of the workers or thereabouts are organized, where they are lower paid and do not have nearly the background or training? I will tell members right now the real answer, as the Ontario Federation of Labour says in its brief, is that the right will not be used and the legislation really is illusory in terms of any protection for workers.

Let's take it a step further. Let's suppose that somebody had some extra fight, the guts and gumption to take an employer on, and there are not going to be a lot of them, but supposing somebody does in this case; once again, what is weighing against him? At least in terms of the health-and-safety right to refusal, you are up against your physical health; in this case, you are competing only with your job. It is not a question that something may happen to you in terms of your health or your physical wellbeing or your mental wellbeing—maybe a little bit the mental wellbeing.

You are dealing with a number of workers who have to make a decision as to whether or not they

want to refuse a job because of the job, a lower-paying one to begin with. How many are going to take advantage of that? If they do, how many can afford, particularly in that occupation, the months that may be involved in dealing through the bureaucracy and through the employment standards area if the employers says, "No, I don't agree with you and I don't give you the right to refuse"?

I am telling members opposite right now that they may be committed to the bill because their government says they have to be, but it is not reality at all—and that is why it is so dishonest—in terms of any kind of adequate protection of workers in Ontario. I think that message has to get through to people. I am not sure how we do it, but it simply has to get through to people. We are being fed, as I said, a piece of garbage. That is being a little nastier than I intended to be. We are being fed a bill that has no merit whatsoever.

Once again, other than the Cadillac Fairviews—how many times have members seen a Cadillac Fairview worry about a worker's health and safety and how much more is it going to worry about a worker's right to refuse on Sunday when it is trying to get the income coming in from seven-day instead of six-day use of all of those malls around Ontario?—and the Liberal Party, it seems, where is the pressure coming from and who wants the legislation, as I started with earlier?

**An hon. member:** Travel agents.

**Mr. Mackenzie:** Maybe, but who is saying no? Why do they have no credibility with this government? Obviously, the government figures it can ride out the storm from the churches. I think that may be a misjudgement on their part, because the understanding and pressure can be there and I think members opposite are not just going to hear about it today or next week or next month or whenever this bill goes through, but are going to be on the edge of controversy as the various municipalities have to deal with this issue right through to the next election.

I think they are making a mistake and they are going to hear about it. I think they will hear from the churches as well. They have the churches not on side. As I say, they do not have most of the social agencies on side. They certainly do not have most of the small merchants on side. They certainly do not have the vast majority of the retail workers on side.

I know this does not mean too much to Liberals; some of them make it obvious. Some of the comments I have heard really disturb me, because they are coming from Liberals and not

from the Tories; I know where they stand when it comes to unions.

But the unions do not count either. I picked out some of the briefs. I think there are 17 of them here which were before your committee from various union groups. I want to take just the umbrella group, if you like, the OFL group, when it made its presentation. I do not know whether the minister was smart enough to have one of his staff at that presentation, and I do not know whether any other Liberals sat in at that press conference of theirs, but it was well attended by the media and they answered questions very well, including critical questions from one reporter for one of the stations. There was only one critical reporter there, and I think he was well dealt with when one of the female news people said, "Just because you're miserable doesn't mean everybody else should be," so we did not have to answer the one critical reporter at that press conference.

But take a look at who was at the press conference. It does not make them the only answers, but who was there? The executive vice-president of the OFL. The first convention, I believe, at which they took a firm stand on this issue was probably 1969. He was there, as the executive vice-president of the OFL.

Bob McKay was there. Some of you know him. He has been a long-time top officer of the Retail, Wholesale and Department Store Union. He probably represents most of the workers in this field who are organized, the small percentage who are organized. He certainly knows what they are saying and thinking.

Tom Kukovica was there from the United Food and Commercial Workers International Union. Tom certainly has been around a while and knows what his members are saying, what his workers are saying.

Keith Oleksiuk was there. I know people who would not mind having him on their legal staff rather than where he is with the United Steelworkers of America. He very carefully went into some of the legal problems with this legislation and how it was an absolute joy for lawyers: reasonable or unreasonable? What the government has handed the lawyers, if it is used, is a real gold mine in trying to make a ruling as to whether a right to refuse is reasonable. He is a very good and very sharp lawyer with one of the major unions.

You had four people. I do not mean to zero in on them as individuals, but I do it only to point out that what you had talking there was the heart

and guts of the representation that retail workers have in the trade union movement.

As I said, the government does not listen to the churches, it does not listen to the merchants themselves, it obviously does not listen to the workers or their representatives, so it begs the question once again: Who is calling the shots and why is this Liberal Party so hard to understand in the position it has taken on this issue? It simply does not make any sense.

There was a brief before the committee which I think is worth mentioning. This is not the press conference I am talking about. Incidentally, it should be put on record that the opposition to the previous Bill 113, which is not yet dealt with, and the opposition to Bill 114 was well stated, and I want to deal with their opposition to Bill 114 before the committee.

The press conference I have quoted and that the member for London North quoted at some length in her comments was—I hate putting it in these terms—I suppose a desperate last effort by the workers themselves and all of their representatives to make it absolutely clear to the minister and to this government that this bill was no good, it did not do what it was supposed to do in terms of protecting workers; but even more than that, a clear message which I think is getting out to the people of Ontario that this government has brought in a bill about which the Minister of Labour says: "How great is this legislation. The protection is all there. We have solved all the problems." They even said to us, "Your arguments about the employment standards officer don't hold water, because the law says you can't fire them." It does not exist. It is not true. Why should it be presented that way?

They were trying to say to the people of Ontario that we are being sold a bill of goods that is not going to do what it says and, in fact, is being misrepresented to the people of Ontario.

#### 1700

That is what that press conference was. But let's go back a step or two, before the press conference, to the hearings. The labour movement, backed, as I say, by all of the individual delegations, said: "We have serious concerns over the proposed amendments to the Employment Standards Act to 'protect' retail workers who do not wish to work on Sunday. We do not believe that they will be effective."

"The intent of the amendments is found in the statement to the Legislative Assembly on April 14, 1988, by the Minister of Labour Gregory Sorbara. To quote from the relevant sections of the statement:



"...Employers will be encouraged to work out co-operative arrangements for Sunday work that take into account the interests of those individuals who wish either not to work on Sunday or to keep Sunday work to a minimum. This will be accomplished through the establishment of a right for all retail workers to refuse Sunday work which is, in their view," underlined in the original for emphasis, "unreasonable. The bill will protect workers against reprisals for such refusals.

"The new law will also provide a process to help employers and employees resolve disputes over what constitutes unreasonable Sunday work or over allegations of reprisals against employers.

"If no settlement is reached through mediation, the matter will be referred to an independent referee appointed under the Employment Standards Act.

"...Referees hearing disputes in these matters will be able to weigh a number of factors in reaching a decision about the reasonableness of an employer's approach to scheduling Sunday work. These factors will be set out in the bill and will include such criteria as:

"the existence of premium pay arrangement for Sunday work, and

"the recent history of employment, including any previous requirement to work on Sunday."

The word "any" alone, knowing a little bit about grievances in the labour movement, gives a very wide picture. You could get an argument over that, even if you were just called in for inventory on a Sunday.

"An employee will have the right to refuse Sunday work unless and until a referee decides that the assignment of work is reasonable."

They go on to say:

"It will be very difficult for unorganized workers to protect their rights under this legislation. Their only protection will be management goodwill. Is the procedure to be proactive or reactive? If an employer does not wish to have a 'co-operative arrangement,' what do the workers do? To protect their jobs, workers will work on Sunday, even if, 'in their view,' it is unreasonable. If a worker complains, what protection do they have from an employer's reprisal? How many independent referees will be hired, and what will be their background and experience?" None, as we know. "What resources will be available from the Ministry of Labour to deal with this problem? Will there be a waiting list of cases? Will there be any kind of appeal of the referee's decision?"

We do not even know with this legislation and that would not correct it. I do not want to go out on a limb here and have somebody say, "Hey, you're suggesting amendments," because this bill is just not amendable. But they are asking, "Will there be a waiting list or will there be any kind of appeal of a referee's decision?"

Even that is not written into this particular bill that we have. You do not have to be an expert. I do not claim to be an expert. It has been most of my life's work, but I have never claimed to be an expert in labour matters. You do not need to be an expert to know that this is literally a pile of garbage in terms of protection to workers in Ontario. I think most people understand that.

I think, as well, that it is useful once again to restate some of the arguments of the Coalition Against Open Sunday Shopping. I will start out with two or three paragraphs that I think are useful out of their brief to the committee when it was dealing with Bill 113 and Bill 114.

"Ever since Attorney General Ian Scott first announced the government's intention to bring in legislation eliminating the common pause day, the government's position has been that the final draft of the legislation would meet the concerns expressed by the Coalition Against Open Sunday Shopping, labour, retailers, churches, quality-of-life groups, AMO and individual municipalities—as well as fix the government's problems with the existing Retail Business Holidays Act.

"The government has maintained over the last four months that any expression of concern, request for consultation, public debate or public action was premature. They said, 'Wait and see.'"

Some members remember the arguments we made in this House and the fight we had—whether we won the argument or not, which we would say we did—to get this sent for hearings. The government said it was prepared to send it out for hearings. I did not sit on the committee but before my colleague leaves maybe he can tell me how many amendments actually were moved. I know there were two or three, but none of them added any protection or changed any of the arguments that were made in this bill.

What I am simply saying is underlined by the comments of the Coalition Against Open Sunday Shopping in its brief. What CAOSS saw on April 25, when the Act to amend the Retail Business Holidays Act and its companion piece, the Act to amend the Employment Standards Act, were finally introduced did not dispel our concerns—

quite the contrary—nor did they solve any of the government's problems with the old acts.

First there is the comment, "Wait and see," from the government and "We are sending it out. We are listening to you." Then it goes out and the government obviously did not listen to one per cent of what was presented to it. It did not plug any of the loopholes that are there—loopholes that you can drive the proverbial Mack truck through. It did absolutely nothing to tighten up or toughen up this bill, and there is no protection for workers and indeed—I hate saying it, but probably that does not really matter, because the bill is so poor—you are not going to find workers using it, period.

This government did not respond in that respect either, just as it has not responded to a lot of other commitments it made. Let me then go on, because I think CAOSS's points are well made to the arguments that it raised over labour protection. This is since they have had a chance to look at the bill.

"The government has not realistically addressed the concerns of workers about having to work Sundays and holidays. The Minister of Labour introduced the Employment Standards Amendment Act to 'create new protections for employees of retail business establishments that open Sunday.'

"CAOSS, as the representative of employers and union and nonunion employees, knows that the complaint system used under the Employment Standards Act is unworkable for the Sunday shopping issue.

"In Ontario there are approximately 250,000 retail workers, full- and part-time, of which"—at any time—"20 per cent are unionized." I can tell members that figure is inaccurate, but I will even accept it. "The 50,000 who belong to unions are mainly employed by large retailers. The other 200,000 largely work in retail outlets"—smaller ones—"that have one to 20 employees.

"CAOSS's membership comprises groups that have had a lifetime of experience in dealing with each other as employer or employee. Their experience tells us that for nonunion small retailer employees the complaint mechanism is unlikely to be used and that for the unionized employee it is unlikely to be successful."

I think that is exactly on.

**Mr. Chiarelli:** What protection do retail workers have now on Sundays?

**Mr. Mackenzie:** You want to give them the illusion that they have something under this.

I think that point is dead on; it is not likely to be used by the unorganized workers, who are the

vast majority of workers in this category, and it is not likely to be successful, as I think the lawyer for the Ontario Federation of Labour pointed out very effectively, given the kind of conditions that you have to meet for the few who are organized.

I think this is important too. "Many employees who work for small retailers have a relationship between themselves and their boss that is personal as well as business oriented, particularly in the smaller centres. Often there is a long history of mutual loyalty and an established working relationship. One doesn't have to look for the rotten apples—unfair employers or unreasonable employees—to see the failure of this 'protective' legislation.

"If, in the normal course of business, an employee is asked to give up Sunday for work in spite of a preference for being at home, either the employee will feel he is obligated to accept and resentment will poison the personal part of their relationship, or he will refuse, causing equal feelings on the part of the employer."

It is difficult enough. I am one who believes in having a union to represent me, and I have worked both union and nonunion. Let me tell members, union is a heck of a lot better. Where workers do not have a union and rely, as almost 200,000 do, on this personal relationship, and where the employers, as a result of the legislation this government is bringing in, are going to them and saying—and you can understand it from the employers' position—"Hey, we have to keep open an extra day. The rent in this mall operation goes up. The Liberal Party needs a little more. We have to have you work."

1710

**Mr. Chiarelli:** What is the NDP position for steelworkers on Sunday?

**Mr. Mackenzie:** One of the areas where I think it is essential to build up what we call good labour-management relationships is the smaller employee operations where you do not have a union. Hopefully, if it is a good relationship, they will not only treat their employees better, but they may even pay them a little better. Occasionally, that does happen.

**Mr. Chiarelli:** Do you want to abolish Sunday work in the steel mills?

**Mr. Mackenzie:** But what we are doing with this legislation is starting to drive wedges between the employers and the employees in these establishments, because they will feel that on a personal basis they have to comply with the employer's request. I think that in itself is a



possible sick side effect of this bit of legislation we have before us.

"If in the normal course of business an employee is asked to give up their Sunday for work in spite of their preference for being at home, either the employee will feel he is obligated to accept and resentment will poison the personal part of their relationship, or they will refuse causing equal feelings on the part of the employer. In either case the work atmosphere will be damaged. Other decisions will be interpreted by employee and employer in light of the question of Sunday work. Was a decision not to promote based on a refusal to work Sundays or on performance? Can a trusted employee now be included in business confidences? Or, will the workplace simply become an unpleasant place to go every day?"

"Anyone," as they state here, "with a modicum of understanding of human relationships would not expect an employee in these circumstances to invoke their right to refuse Sunday work or to use the complaint mechanism, but instead simply agree to requests that they work Sundays."

"For those faced with an unfair employer, one who actively plans on subverting the intention of Bill 114, the situation is even more difficult."

**Mr. Chiarelli:** Let's extend Bill 114 to steelworkers.

**Mr. Mackenzie:** "The burden of proof is on the employee that an action or threat on the part of the employer is a direct retaliation for a refusal to work. This is not a small burden."

I could go on from there, but I think it makes the case I was trying to make, that the government is adding an additional abrasive sore point between owners and employees.

My colleague from the far side keeps asking, and I have not been listening to him, something about steelworkers and the right to refuse. One of the things I am proud of in my union—I have had experience in two, most of my time with the steelworkers, although almost as long with the auto workers in the Ford plant in Windsor, and one of my prides in both of those local unions is that, understanding that occasionally they are not interpreting what might be the most convenient interest of their workers, they have been willing to be part of the fight and even take a lead in terms of the social issues that are addressed by the umbrella labour bodies and indeed by steelworkers generally.

**Mr. Chiarelli:** They work on Sunday.

**Mr. Mackenzie:** Delegates from the steelworkers have invariably voted almost over-

whelmingly at conventions in support of the position of the retail workers against shopping. I guess that is the best answer I can give.

Sure, it might be more convenient for shift workers, and they will have discussions on this in the plant, but I am telling the member he does not know what he is talking about when he tries to carve out and get workers fighting against each other. In fact, the workers who have some understanding in their local union organizations and who have taken a tough role or have been the leaders in terms of social progress—many of them have—are perfectly willing to take up tough issues that are not necessarily just their issues, but have a definite benefit for others.

That is why we see them in the lead in the fight for human rights, why we see them in the lead in the fights on many of the social issues, why we see them helping to fund and support poverty groups in this community, and why I do not know a delegate—there are undoubtedly a few when you have probably 300 steelworker delegates and as many auto worker delegates at an OFL convention—and I know a good many of them, who has ever voted against protecting the rights of the retail workers as well. I am simply saying that the minister is flying against just about everybody who, as far as I am concerned, really counts.

I guess he can make a criticism that the Cadillac Fairviews do not count. That is not quite true. I understand there is a place for these people in our society as well, but they sure have all the spokesmen they need from this Liberal Party. If I am going to have to take a position that benefits ordinary workers or Cadillac Fairview, it is going to be the ordinary workers and not Cadillac Fairview, because I do not know who else it is supporting with this kind of legislation.

We obviously cannot change their minds and they obviously were not listening to any of the presentations. I suggest to the members of this House that one of the things they should at least tell us, to give us a bit of a light moment or a laugh, if you will, is who is pushing them for the legislation. Does the financing from the Cadillac Fairviews have something to do with the Liberal position on this? If they want to say no, they should get up and say it. I would like to hear it, but I would also like to see the figures on donations from across Ontario.

Why will they not stop and rethink their position? What have they got to lose? I said in the very first debate—on Bill 113, not Bill 114—that if the Liberal Party wanted to win some Brownie points in Ontario, if it wanted to make people

believe that maybe it had not forgotten this progressive bent it started with—forgive me if we take a little bit of credit for that, but even if we do not take all of it—and if it really wanted to win some kudos with a lot of people in Ontario, it should stick this darned bill on the back burner. Why push it through? Who are they really going to hurt, and is there that much money at stake, I ask you?

I am pleased to have had an opportunity to speak on this bill. I do not expect it, but I sincerely hope this government will have rational second thoughts that it has not indicated up until now on this piece of legislation. If nothing else, if they say, "Okay, we are going to go ahead with it; we do not care what you are saying; we do not intend to back off; we intend to pass this legislation," then they should not lie to workers and to the people of Ontario and say, "This bill is going to give you the kind of protection the minister said," because that is not factual. They are not telling the truth if they tell them that.

**Mr. Runciman:** I appreciate the opportunity to make a brief contribution to this debate. I want to say that we share—

**Mr. Fleet:** The briefer the better, Bob.

**Mr. Runciman:** He is probably right.

We share the view of the New Democratic Party, the official opposition, with respect to this legislation being something of a mess, to be polite. As a result, we have concluded that as a party we do not wish to take part in suggesting any amendments to this legislation. As well, we do not want in any way, shape or form, to be associated with this bill in its final definition as it passes through this House, supported by the bleating sheep on the back benches of the governing party.

**Mr. Fleet:** There is a lot of wool around your ears. There is a lot of wool inside and outside your ears.

**Mr. Runciman:** The member for Hamilton East (Mr. Mackenzie) was wondering who is calling the shots with respect to this legislation. He was suggesting that perhaps it is some of the larger real estate companies in Ontario. They may indeed have some influence with respect to this decision; I do not know. I know the Premier made a promise during the election campaign in 1987, another one of his infamous promises. He decided, at some point since the Liberal Party's enormous success in the provincial election, to conveniently forget that he made such a promise, or numerous promises to the people of Ontario.

**Mr. Fleet:** What do they say in Leeds-Grenville about your being in bed with the socialists?

**Mr. Runciman:** Who is calling the shots? I do not know who has the Premier's ear in respect of this. We do know he made this decision without consulting his executive council, his cabinet colleagues, and more important, without consulting the Solicitor General who was caught cold with respect to this announcement.

**Mr. Fleet:** You know nothing, as usual.

**Mr. Runciman:** She herself only two weeks previously—we have all heard this one—was saying the municipal option was the chicken way out. This particular piece legislation, this initiative on the part of the government obviously caught her by surprise, caught the cabinet by surprise, caught the Liberal caucus by surprise, as well as caught all of those trusting Ontario voters by surprise who had believed the promises of the leader of the Liberal Party when he was running during the campaign.

**Mr. Fleet:** What is surprising is your being in bed with the socialists. What do they think in Leeds-Grenville about your being in bed with the socialists?

1720

**Mr. Runciman:** Mr. Speaker, I want to point out that I have one of these bleating sheep on my left, supporting the Liberal Party, who is not providing me an opportunity to express the views of my constituents in this House by his almost constant interruptions and heckling. I think you should recognize that effort on the part of this Liberal backbencher, who does not have the intestinal fortitude to stand up on this issue and speak for the interests of his own constituents.

He is one of the gutless many on the government side. He is one of the gutless many who does not have the guts to stand up in this House and speak on this issue. We do not hear any Liberal members participating in this debate, yet he wants to interfere with the members who do want to express their views.

Interjections.

**The Deputy Speaker:** The chair recognizes one member at a time. Order, please. The current member being recognized is the member for Leeds-Grenville and only the member for Leeds-Grenville.

**Hon. Mr. Conway:** He is not a man to be provoked, either.

**Mr. Runciman:** Right on. I am constantly checking my blood pressure, for the information



of the government House leader. He is certainly one who can easily agitate me. There is no question about that.

In any event, the member for High Park-Swansea (Mr. Fleet), in one of his infrequent contributions, if you want to classify it as a contribution, gave me an opportunity to once again put on the record that the government backbenchers certainly have been noticeable by their absence in this debate and in terms of this whole issue of Sunday shopping.

They have not been adequately representing the wishes of many of their constituents. I know that CAOSS and some of the groups that have opposed this initiative have indicated there are something like 40 backbench members of the Liberal Party who are opposed to this legislation. They have not at this stage been prepared to release the names of those members. Hopefully, they will at some point in the future.

When I look around the House at the rather meagre number of government members in attendance: the member for Grey (Mr. Lipsett) for example; the member for Elgin (Miss Roberts), who was just here recently; an old—I should not say old; let's put it this way, a veteran of this Legislature—the member for Essex-Kent (Mr. McGuigan), someone I have a great deal of respect for. I am sure that if he has touched base with his constituents on this issue, as I am sure he has, he is very much appreciative of the concerns that are out there.

The member for Lake Nipigon, from the official opposition, was talking about the loss of traditional family values, the continual erosion of traditional family values in society. Certainly, this is an issue that goes to the heart of that question.

I want to make an appeal to the members of the governing party, to those of them who represent some of the more traditional ridings in Ontario, rural Ontario to a significant extent. This legislation is obviously going to come back to haunt them a year and a half to two years from now. More important, just putting that aside, I think they should be pausing and thinking about their relationship with the people who elected them.

I know that when I came into this House back in 1981, one of the things I wanted to do was more honestly and accurately represent the feelings of people in my riding. I think there is a great deal of frustration out there. The frustration continues to be there about people being elected to this House who stand up and say, "Yes, sir, yes, sir, three bags full," when it comes to the

government saying, "This is the way we're going to vote."

Members who have been around here for some time will recall the position I took in respect to the government's decision to involve itself in the purchase of an oil company. I opposed that basically because I certainly did not believe in it. I did not believe in the way it was handled by the government of the day, comparable to the way this initiative was handled by the Premier. He does not learn from the lessons of history. I took a stand on that and I have always felt comfortable about the stand I took on that particular issue.

**Mr. Villeneuve:** And you are still here.

**Mr. Runciman:** And I am still here; that is right. The member mentions I am still here.

I want to point out that we have a member in the House who has taken an independent stand in respect to issues like this. I do not want to embarrass him. I am just looking for his riding here. The member for Etobicoke-Humber (Mr. Henderson) has taken some very strong, well-thought-out positions of conscience on issues that I am sure gave him a great deal of difficulty. I know the difficult time I went through within the party when I opposed an initiative of the government, and I am sure he has had that same kind of struggle, the same kinds of pressures exerted on him.

If we are talking about a large number of members of the government party who are having a high level of discomfort with this piece of legislation, they should step back and reflect upon why they wanted to become members of this House in the first place, what they wanted to accomplish as members. Are they here for personal gain? I do not think too many of us are. Are they here to do a job on behalf of the people who elected them to represent them? If they are, they should sit back and think about this piece of legislation.

When we think about the way the Premier handled this, the fact is the executive council was not consulted and the Liberal members were not consulted. They were not given an option whether or not this was an appropriate initiative on the part of their government. They did not have any decision whatsoever on this. I know the feeling. It is a feeling of frustration.

I think they have an opportunity now. If they want to do it in the secrecy of caucus, fine, but they should get together, stand up and say, "We do not think this is an appropriate way to go and we are not prepared to support the government." It may mean not coming in here for the vote. It may mean absenting themselves from the vote.

That is one course of action. Or perhaps the more courageous way is standing up and being counted in this House.

That is really what I wanted to say. It is an experience I have been through personally.

**Mr. Neumann:** I know what I am going to do.

**Mr. Runciman:** We will be interested in seeing how the member for Brantford votes on this issue.

**Mr. Neumann:** I have already said.

**Mr. Runciman:** We know where he is going to stand on this issue. He is going to support his Premier. He is going to play it safe.

Too frequently, ambition rules the day on the governing side. In many instances that obscures good sense, common sense and the commitment all of us have made to our individual ridings. I hope those members who are legitimately concerned will give this very serious thought over the next few days and will, I hope, take a stand that they can feel comfortable with and that the people of this province will be proud of.

**Mr. Allen:** I rise to participate in this debate on the motion to receive the report of the standing committee on administration of justice with respect to Bill 114, An Act to amend the Employment Standards Act, in order to accommodate the legislation that precedes it, namely Bill 113 with respect to Sunday shopping.

May I begin on a very simple note, as someone who stands to speak for the members of his own constituency and his own community. If I were to see myself simply as their delegate and not speak or give any other reason as to why I support or oppose this legislation, I would have to say that I would be not only honour bound, but ironclad in voting to oppose this legislation.

I doubt very much that the wisdom of this government stands up with any credibility against the wisdom of the community I speak for, which is made up so heavily of working people who have had lifetimes of experience in the labour force, working for employers and knowing what it means to be protected and not protected.

I want to say in all honesty that in all the length of time this issue has been before this province, I have not received one single letter urging me to support either of these pieces of legislation. I have a fairly hefty file of the letters I have received and they are unanimous. I would have to say that probably does not mean there are not a few people in my community who may support the legislation.

In order to find out a little more exactly, I used, as many members do, a householder to get some feedback. One of the biggest responses I have ever received from a mailout, it came back with over 4,000 replies. I just want to give the proportions here of those who are for and opposed to various aspects of the legislation that is being proposed in Bills 113 and 114.

The first question: "Do you believe the claim made by grocery store owners and their employees that Sunday shopping will increase the cost of food since it is more expensive to be open seven days a week than six?" Yes: 2,794. No: 931, and 324 had no opinion.

Two: "Do you feel that the Peterson Liberals were dishonest in stating their opposition to Sunday shopping during the recent election campaign and then reversing their position shortly after the election?"

Members opposite should listen to this. These are admittedly—

1730

Interjections.

**The Deputy Speaker:** Order, please.

**Mr. Allen:** These are admittedly questions that have some leading element, but the leading element is quite simply this: if they are concerned about how people are reading their position on this legislation, they will listen to the following statistic—

Interjections.

**The Deputy Speaker:** Order, please.

**Mr. Allen:** —because the people who feel that way tell me that 2,700 people are in agreement with that proposition and only 500 are against it, even though a good many of the people who are responding here undoubtedly are Liberal in their vote.

**Mr. Mahoney:** And will be again.

**Mr. Allen:** I would hope for your sake that they are.

**The Deputy Speaker:** Order, please.

**Mr. Allen:** There is nothing in the information that any of us are getting in our constituency offices that would lead us to think that is the case on this particular issue.

There was another question: "At present, most shopping malls have lease arrangements requiring storekeepers to remain open during the hours of business set by mall owners. If Sunday shopping is allowed, this will mean that merchants will be forced to stay open on Sunday, whether or not they wish to. Do you believe this is fair?" Again, those who think it is unfair are



3,500,; and on the order of three hundred and some think it would be fair.

"Has the provincial government shirked its responsibility in transferring to municipal politicians the contentious issue of whether or not large department and grocery stores should remain open on Sundays?" Over 3,000 say they have shirked their responsibilities. Some 500 say they have not shirked their responsibilities.

"Are you in favour or against the proposed legislation which will permit large department and grocery stores to remain open on Sunday, i.e., seven days a week?" For: 792. Against: 3,257.

Admittedly, it is not a scientific poll and I would not claim it was, but I think the numbers do say something. I think it would be very foolish for the members opposite to disregard numbers of that kind, because they do have a story to tell and they tell it very much with respect to the government members' own interests in their constituencies in the next election.

Let me say this. If this government has concluded that it does not really have a compact with the electorate on this question, notwithstanding the fact that the Premier in the last election declared that the government in fact would not be moving in this direction, that it would be maintaining the position that the legislative committee had adopted in the previous session, that it would in fact be supporting the common pause day with standard universal legislation in Ontario; notwithstanding that, this government, for whatever reason, has decided it does not have a compact with the people of Ontario on that issue.

I think that is most unwise for a government. It may well be very easy to think, with 94 members: "We're the government. We can make those decisions and we have a responsibility to govern." They can say in response to us when we raise questions or oppose them on this legislation: "We are the government. We have the right to govern." Nobody is questioning that. Of course they have the right to govern. That is the task they were given. Nobody disputes it, but the question is not exhausted at that point.

The issue becomes: On what terms did the government enter into an agreement with the people of Ontario in the last election? What general direction did it say it would move in? What was the sense of the proportions of legislation and the legislation in specifics and what were the contents of some of the issues?

Those things do at least formulate a kind of obligation, not necessarily an ironclad agreement

that the government will never do anything differently from what it said it would during the election or that it would not do things that were not talked about in the election. Obviously, times change, circumstances change, new issues arise and a lot has to be done by a government that is not in fact comprehended in the context of a debate or a discussion that takes place in an election.

None the less, some things were said about the common pause day, some things were said to the people of Ontario as to the way in which the government planned to act and move and take responsibility with respect to this particular issue. That is not the way in which the government has acted, not the way in which it has taken responsibility; and I suggest that something, at least in the form of an obligation it has, has been put to one side and is being treated with an excess of lightheartedness and inattention. I think the government would be very, very wise to think again about its situation in that respect.

I want to say that it is not just a compact with the present electorate that a government has, it is not just with respect to a present community of people in Ontario that the Legislature has a kind of compact; it also has a compact—and here I would acknowledge my own personal indebtedness in my own political thinking to some of the great Conservative theorists of political thought like Edmund Burke—with generations past, it has a compact with people who have gone before.

Why does one say that? Because generations in Ontario have tried to build a certain kind of society. They have contributed to the forming of institutions, whether commercial, political, educational or otherwise. They have devoted their lives and their best thought, they have sweated, they have organized and they have laboured hard to produce an Ontario that we live in and of which we are in fact deeply proud, on this particular issue, no less than on others. The organization of labour, the organization of work, the pattern of holiday and of family life did not just happen overnight in Ontario, did not happen by accident. It happened because there were people in our communities who believed that a certain quality of life was essential to this province, to their own personal lives.

If members go back into the latter years of the 19th century, an industrial urban society was beginning to take shape and large industries were being established and displacing the small ones. Urban centres were growing, sometimes two, three, four or five times in a decade. New problems and social issues that had to be

confronted were arising and were slowly overturning an agrarian-dominated society that had another set of rules that were simpler and easier, more amenable, someone has said, to the human spirit, but none the less overturned in the course of time. As that new society developed, people had to wrestle with the problems that arose, had to work out new patterns of relationships at work and elsewhere.

If members go back into the 1880s, they will see the struggle that small retailers had in order to find uniform closing hours, not just for Sunday but for the rest of the week. It was not easy and they had to begin their little early-closing clubs in this community and that community and another community. They had to establish it here, work it out there, develop larger organizations, campaign for province-wide legislation. Gradually they were successful, because they knew that if each one of them wanted to regulate his own hours, it was a hopeless cause; they would each be competing with each other down the block and in the neighbouring block and in the neighbouring community. They would be pushing each other to work endless hours and their staff to work endless hours, and in the course of doing that, doing no one a good service, not least of all their families and communities, and probably not their business either, because they could not give it their best attention when they were all so exhausted at the end of their workdays and then having to repeat it over and work for 12, 14 or 16 hours the next day just because the neighbouring stores were open.

#### 1740

Precisely the same thing happened in the same decade with respect to working hours on the labour side in the issue of Sunday opening and Sunday closing. It is not surprising that this began in that decade, because it was the decade during which the major thrust of industrialization in Ontario took place. In that decade, as labour unions began to form and develop their local organizations, and as church leaders who worked with their constituencies, with their own people, saw the kind of effects that it had on their personal lives and on their families' lives to work the inordinate hours that they had to do and to work often six or seven days a week, they began to form organizations like the Lord's Day Alliance.

Many today who do not have a very strong religious connection will say there was a vested religious interest and it was the promotion of a single religious perspective and all that kind of thing; but however much religious investment

there was in the notion of Sunday in Canada or in the Christian tradition, the arguments went back to a universal recognition that preceded those organizations for hundreds and thousands of years, simply that people need to have some regular rhythm of life, a cessation from labour, not just as individuals but as a community so that community organizations and community life can exist.

In the course of centuries, that common human understanding became invested with religious significance, but it is wrong in the latter days of this whole argument to suggest that the people who were promoting that argument were only acting out of so-called religious motives. Those people in our common religious organizations, principally Catholic and Protestant but certainly sometimes Jewish, worked with the labour movement in order to find that common pause day, they formed their organizations and then they began to lobby and organize. It took them 20 years to get a common framework piece of legislation in Canada, which was passed in 1908, in order to regulate industrial labour on Sunday.

What I want to say to members opposite is that it has been the sense that was formulated in that generation of struggle that has dominated Ontario life in subsequent years with respect to this issue. While we have moved a little bit this way and that way, and while we have had to accommodate the fact that industrial processes arose which would require continuous labour and transportation systems that did not cease to operate because you changed from Saturday to Sunday at 12 o'clock midnight and so on, notwithstanding all that shifting and changing, the central proposition of Ontario society—and certainly of Canada in general—has been that an organized common pause day has been a healthy and valuable thing for Canadians and is something that we ought not to put to one side and certainly not to put to one side lightly.

If I were to ask one central question about the government's proposals at this point in time with respect to Bill 114, it would be, "Why would you want to overturn so dramatically that tradition?" I think it cannot really be well argued that Bill 114 provides significant protections. As the leader of this party indicated a little earlier, there is finally only one protection that is significant and relatively complete for working people with respect to Sunday labour in the retailing business—because that is what we are talking about right now, but any other business that is not continuous and governed by other legislation as



well—and that is a complete cessation under the existing—

**Mr. Speaker:** I am sorry to interrupt the honourable member. I am not accustomed to interrupting.

**Mr. Allen:** You interrupt me quite regularly, as a matter of fact, sir.

**Mr. Speaker:** I would like to inform the member, as well as all members of the House, that looking over Votes and Proceedings dated Thursday, January 12, I note there was unanimous consent that a division would take place at 5:45 p.m. on Tuesday, January 17. Unanimous consent has been given to defer the division, as the members will recall, on second reading of Bill 4. Therefore, pursuant to the order of the House of last Thursday, I must interrupt these proceedings and call in the members.

**Mr. D. S. Cooke:** On a point of order, Mr. Speaker: Because this has not happened before, and I have been trying to understand by reviewing the rules how you are suspending a debate, I would like to know under what rule you are suspending a debate. Also am I under the right impression that, upon completion of the vote we are going to take at 5:45, the same procedure would follow as if we had been accepting a motion to adjourn the debate? If that is the case, Mr. Speaker, in order not to follow a procedure that has not been followed, I would request that the cleaner process to follow right now would be unanimous consent to adjourn the debate on this report and then to proceed with the vote.

**Mr. Speaker:** Certainly I can inform the House, if members so desire; however, there has been a request for unanimous consent. If the members would like me to respond to the question of the member, I certainly would be glad to respond as I see it. The House decided that it wished to interrupt the proceedings at 5:45 today to take the vote, and following the vote, which of course would be taken on a bell of a maximum of 30 minutes, then the business that was interrupted would continue.

**Mr. D. S. Cooke:** Because I think it would be a more appropriate procedure to follow, and also considering the time and the fact that when we finish this vote it will be six o'clock, could I ask that the question be put to the House that there be unanimous consent to adjourn the debate on the report from the standing committee on administration of justice on Bill 114.

**Hon. Mr. Conway:** Mr. Speaker, I think we should proceed by the order that would see us

take this vote along the lines that your ruling would suggest.

**Mr. Speaker:** I understand the request was made and there is not unanimous consent. Therefore, pursuant to the order of the House of Thursday last, I will continue to interrupt the proceedings and call in the members to vote on the motion for second reading of Bill 4.

I would remind all members that this bell will be a maximum of 30 minutes.

1750

#### METROPOLITAN TORONTO POLICE COMPLAINTS AMENDMENT ACT

The House divided on second reading of Bill 4, which was agreed to on the following vote:

#### Ayes

Adams, Beer, Black, Brandt, Callahan, Campbell, Caplan, Carothers, Chiarelli, Collins, Conway, Cooke, D. R., Cordiano, Cousens, Cureatz, Dietsch, Eakins, Elliot, Epp, Eves, Faubert, Fawcett, Ferraro, Fleet, Grandmaitre, Hart, Henderson, Hošek, Johnson, J. M., Kanter, Kerrio, Kozyra, Kwinter, Lipsett, Lupusella;

Mahoney, Mancini, Marland, McCague, McClelland, McGuigan, McLean, McLeod, Morin, Neumann, Nixon, J. B., Nixon, R. F., Oddie Munro, Offer, O'Neil, H., O'Neill, Y., Patten, Phillips, Pollock, Poole, Reyecraft, Riddell, Roberts, Ruprecht, Smith, D. W., Sola, Sterling, Stoner, Sweeney, Tatham, Velshi, Villeneuve, Wilson, Wong.

#### Nays

Allen, Bryden, Cooke, D. S., Hampton, Laughren, Mackenzie, Martel, Morin-Strom, Philip, Pouliot, Reville, Wildman.

Bill ordered for standing committee on administration of justice.

#### REPORT BY COMMITTEE

#### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE (continued)

**Mr. Allen:** Mr. Speaker, I have some further remarks I want to make. I was only partway through the speech I had prepared. Given the hour, I beg unanimous consent to adjourn the debate on this question and to return to it another time.

**Hon. Mr. Conway:** If I might, Mr. Speaker, my colleagues, as you can see, are gathered here to listen to our friends in the second or the third

party debate this issue or, having the debate concluded, to take the vote. That is our view. If the honourable member wishes to continue, we are here to listen.

**Mr. Speaker:** According to the standing order, the member requested unanimous consent. There is not unanimous consent. I will listen to the member for Hamilton West.

**Mr. Allen:** It is quite clear that this issue is an issue that has seized the entire public of Ontario. It is an issue we have clearly taken the measure of across the province in very careful hearings. We now have a report coming back to the House. This is our first opportunity to debate that report in its generality before we move into the details in committee of the whole.

It does not make any sense to us to enter into a situation in which we would find ourselves speaking all night simply for the sake of a majority government that feels it will use its 94 members in order to put us through a punishing all-night debate that could, of course, go on and on.

We want to come to the committee of the whole, but we want to have our say first. We feel this government is using its majority to ram through a piece of legislation that it knows is unpopular and that it cannot get public support for. Under those circumstances, we are going to have to stand and call for a division on the report itself.

**Mr. Speaker:** Do any other members wish to participate in the debate?

The member for Brampton South (Mr. Callahan) previously put the question "Shall the report be received and adopted?"

As there is no further debate, is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the ayes have it.

Call in the members.

1802

Wednesday, January 18, 1989

1750

The House divided on Mr. Callahan's motion for adoption of the report of the standing committee on administration of justice on Bill 114, which was agreed to on the following vote:

#### Ayes

Ballinger, Black, Brown, Callahan, Campbell, Carrothers, Collins, Conway, Cooke, D. R., Curling, Dietsch, Eakins, Elliot, Elston, Epp, Faubert, Fawcett, Fleet, Fontaine, Furlong, Grandmaitre, Haggerty, Henderson, Kanter, Kerrio, Keyes, LeBourdais, Leone, Lipsett;

Mahoney, Matrondola, McClelland, McGuigan, McGuinty, McLeod, Miclash, Miller, Morin, Nicholas, Nixon, J. B., Offer, O'Neil, H., O'Neill, Y., Owen, Patten, Phillips, G., Polsinelli, Poole, Ray, M. C., Reycraft, Riddell, Roberts, Ruprecht, Smith, D. W., Smith, E. J., Sola, Sorbara, South, Stoner, Sullivan, Tatham, Velshi, Ward, Wong, Wrye.

#### Nays

Allen, Brandt, Breaugh, Bryden, Cooke, D. S., Cousens, Cunningham, Eves, Farnan, Grier, Hampton, Johnson, J. M., Kormos, Laughren, Mackenzie, Martel, McCague, McLean, Morin-Strom, Philip, E., Pollock, Pope, Pouliot, Rae, B., Reville, Runciman, Sterling, Villeneuve, Wildman.

Ayes 65; nays 29.

Bill ordered for committee of the whole House.

The House adjourned at 5:55 p.m.

### ERRATUM

No.	Page	Column	Line	Should read:
127	7152	1	32	Pétition No P-22, concernant le plan de pension des enseignants.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Paxon, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in  
 each issue. Lists of the members of the executive  
 council, parliamentary assistants and members  
 of committees, brought up to date as necessary,  
 are published in Hansard in the first and last  
 issues of each session and on the first sitting day  
 of each month.



## CONTENTS

**Tuesday, January 17, 1989**

### Members' statements

<b>Irradiation of food</b> , Mrs. Grier .....	7337
<b>Retail store hours</b> , Mrs. Cunningham .....	7337
<b>Vocational rehabilitation</b> , Mr. Adams .....	7337
<b>Ontario Lottery Corp.</b> , Mr. Farnan .....	7338
<b>National Nonsmoking Week</b> , Mr. Sterling .....	7338
<b>Greg and Geoff McKay</b> , Mr. Callahan .....	7338
<b>Air quality</b> , Mr. Laughren .....	7338

### Statement by the ministry

<b>Teaching health units</b> , Hon. Mrs. Caplan .....	7339
---	------

### Responses

<b>Teaching health units</b> , Mr. Reville, Mr. Eves .....	7339
--	------

### Oral questions

<b>Nursing services</b> , Mr. B. Rae, Hon. Mrs. Caplan .....	7340
<b>Pay equity</b> , Mr. B. Rae, Hon. Mr. Sorbara .....	7341
<b>Health services</b> , Mr. Brandt, Hon. Mrs. Caplan .....	7342
<b>Hospital services</b> , Mr. Eves, Hon. Mrs. Caplan .....	7344
<b>Plant closure</b> , Mr. Mackenzie, Hon. Mr. Sorbara .....	7345
<b>Community safety</b> , Mr. Runciman, Hon. Mrs. Caplan .....	7346
<b>Graphite production</b> , Mr. Campbell, Hon. Mr. Conway .....	7346
<b>School funding</b> , Mr. D. S. Cooke, Hon. Mr. Ward .....	7347
<b>Transit services for the disabled</b> , Mr. Cureatz, Hon. Mr. Mancini .....	7347
<b>Retail sales tax</b> , Mr. Tatham, Hon. Mr. Grandmaître .....	7348
<b>Irradiation of food</b> , Mrs. Grier, Hon. Mrs. Caplan .....	7348
<b>Forest access roads</b> , Mr. Pollock, Hon. Mr. Kerrio .....	7349
<b>Nonprofit housing</b> , Mr. Adams, Hon. Ms. Hošek .....	7350
<b>Ombudsman's jurisdiction</b> , Mr. Philip, Hon. Mr. Scott .....	7350

### Petitions

<b>Retail store hours</b> , Mr. McLean, Mr. Wildman, Mr. Pollock, Mr. Laughren, Mr. Brandt, tabled .....	7351
<b>Sale of cigarettes to minors</b> , Mr. Kanter, tabled .....	7351
<b>Retail store hours</b> , Mr. Pouliot, Mr. Pope, Mr. D. S. Cooke, Mr. J. M. Johnson, Mrs. Grier, Mr. Sterling, Mr. Reville, Mrs. Marland, Mr. Mackenzie, Mr. Cureatz, Mr. Villeneuve, Mr. Wildman, tabled .....	7351
<b>Automobile insurance</b> , Mr. Reycraft, tabled .....	7353
<b>Retail store hours</b> , Mr. McCague, Mr. D. S. Cooke, Mrs. Cunningham, Mr. Allen, Mr. Mackenzie, Miss Martel, Mr. Philip, Mr. Morin-Strom, Mr. Wildman, tabled .....	7353

### Reports by committees

<b>Standing committee on public accounts</b> , Mr. Philip, adjourned .....	7355
<b>Standing committee on administration of justice</b> , Mr. Callahan, Mr. B. Rae, Mrs. Cunningham, Mr. Pouliot, Mr. J. M. Johnson, Mr. Mackenzie, Mr. Runciman, Mr. Allen, interrupted .....	7355

**Second reading**

<b>Metropolitan Toronto Police Complaints Amendment Act, Bill 4, Hon. Mr. Scott,</b> agreed to .....	7381
---	------

**Report by committee**

<b>Standing committee on administration of justice, Mr. Callahan, Mr. Allen, agreed to . .</b>	7381
--	------

**Other business**

<b>Annual report, Ontario French Language Services Commission, Mr. Speaker .....</b>	7337
<b>Adjournment .....</b>	7382
<b>Erratum .....</b>	7382
<b>Alphabetical list of members .....</b>	7383





CA20N  
X1  
-D23

Government  
Printings

No. 132

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
Thursday, January 19, 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

---

Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, January 19, 1989

The House met at 10 a.m.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### ACCESS TO BANKING SERVICES

#### ACCÈS AUX SERVICES BANCAIRES

Mr. Morin moved resolution 54:

That, in the opinion of this House, the government of Ontario, the municipalities and the banking institutions should enter into an agreement whereby recipients of welfare and social assistance cheques are provided with identification cards that would give them easy access to banking services without having to resort to using cheque cashing services for a percentage fee.

**Le Vice-Président:** M. Morin a présenté la résolution en son nom. Le député a jusqu'à 20 minutes pour faire sa présentation et il peut réserver quelque portion que ce soit pour la fin.

Le député de Carleton-Est.

**M. Morin:** Merci. J'aimerais réserver les quelques minutes qui me resteront après avoir présenté mon sujet.

I consider it a privilege to be able to present this important resolution to the Legislature. As we all know, even when economic times are good, there is always a segment of society that remains on the fringes of economic independence and prosperity. As a government, but particularly as members of this Legislature and members of our own communities, we must be sensitive to the hardships experienced by others and be willing to try to rectify injustices in the system.

If I may quote from the recently completed report of the Social Assistance Review Committee, "We begin with the belief that each person is of inherent worth and should be presumed capable of reason, choice, self-realization and independence." Society has a responsibility to assist its members in their development and integration within a framework of economic equality and social justice. It has become a fact of life in the modern age that an individual's identity in a society hinges on his or her

relationship with financial institutions and all the services that they offer: credit, loans and credit ratings.

The chartered banks assume a very important role in the national economy as conduits of financial resources and information. A child's first bank account has the symbolic significance of the rite of passage to adulthood. It is the first step in a lifelong relationship. However, there is a glaring gap between what is taken for granted by one segment of society as compared to another.

I am referring to the growing number of Ontario citizens who are forced to depend on small operations which provide limited financial services for a percentage fee, more particularly, the cheque cashing operations. It is a generally held view that the growth of these questionable services is symptomatic of a much larger problem: the limited access that low-income consumers have to traditional financial services.

Cheques, credit cards and the electronic transfer of funds have all become the normal way of conducting financial transactions for the majority, but these critically important services are beyond the reach of many. The instant teller has all but replaced the friendly teller who used to do our weekly transactions. In large urban centres, the customer at any bank is often identified only by a number and a financial history. At the press of a key, a bank can call up an extensive profile on any one of its customers. Decisions to grant loans, mortgages and credits are all based on that profile. This, unfortunately, is the reality of the computer age.

There are a significant number of people who are denied access to the financial services that are regularly used by most Canadians. These are the poor, the unemployed, single mothers on welfare and the disabled. They do not require the range of services you and I might need. They simply want to cash their cheques without unfair costs the same way we do. It would certainly seem like a simple and normal expectation. Unfortunately, in many instances that is not the case.

In the course of researching this issue, what struck me was that any two branches of the same bank in the same town could have different practices when it comes to cashing cheques.

Practices often vary from region to region and community to community. Each bank has its own general policy in dealing with individuals who are not branch customers. I met with the Canadian Bankers' Association which stresses that there are no bank policies specifically addressing the servicing of welfare recipients for the encashment of welfare cheques.

It is because of the lack of this consistent policy within the banking community that I feel that it is imperative that we in this Legislature take the initiative to make normal banking services and confidentiality accessible to everyone.

### 1010

For most Canadians, the prospect of not being able to cash a cheque is inconceivable. Yet every month thousands of low-income Canadians find themselves in the position of receiving cheques which they can cash only with a great deal of difficulty or for a percentage fee. Many banks are reluctant to handle government cheques because of the potential of financial loss due to fraud. Low-income Canadians are much more dependent on government cheques than middle- and upper-income Canadians.

Probably the most significant barrier between the poor and banking services is identification. Most of us carry around every conceivable form of identification. Drivers' licences, social insurance cards, credit cards, birth certificates—name it, we carry it. The poor, on the other hand, because of their financial situation, may not have access to these means of identification. Those without a fixed address have an even greater problem in obtaining identification and then keeping it, because of the nature of their lifestyle.

In order to cash a cheque at a financial institution, an individual must either be an account holder or, if not, he must produce sufficient identification. Even if a low-income individual successfully opens a bank account, he is required to wait a few weeks until the cheque clears before being able to withdraw funds.

Many financial institutions have a policy which provides that nonactive accounts be closed. The accounts of many social assistance recipients would not qualify as active, because they contain insufficient funds or are not accessed frequently enough.

Provincial and municipal social assistance and welfare cheques are mailed to recipients. The cheques are sometimes delayed, lost or stolen. In these cases, the cheques have to be reissued, invariably causing a great deal of hardship and stress for the recipients.

Faced with these hurdles, many low-income Ontarians have been forced to look to alternative sources for cashing their cheques. These sources include owners of rooming houses and apartments, corner stores and businesses and, particularly, cheque cashing operations. They require little or no identification. They are easily accessible and much less intimidating than banks. The disadvantage is that these services are offered for a fee, anywhere from 2.9 per cent to 4.9 per cent, for cashing a social assistance cheque.

Cheque cashing operations had their start in western Canada. On July 1, 1982, the first of these businesses, National Money Mart Cheque-Cashing Centres Ltd., opened a branch in Edmonton. By 1985, the company had opened some 30 offices across Canada. At least two more companies have recently entered the business and are competing for the lucrative profits to be made from cheque cashing. They are Canada Cheque-Cashing Services and Money Exchange.

In Ontario, welfare cheques range from approximately \$375.75 to \$875 per month for a single person under 65 years of age. Three per cent of this equals between \$11.27 and \$26.25. If a person is forced to use this service every month, he or she will lose between \$135 and \$315 every year. This lost income could go for food, clothing for children or perhaps pay for some small pleasure in the course of the year. Money marts profit from this situation to the detriment of low-income persons.

The chartered banks in Canada are governed by the federal Bank Act. This act outlines acceptable business practices, organization and administration of banks. Subsection 203(1) of the act does prohibit the charging of a percentage on the exchange of government of Canada cheques, but I must emphasize that this federal legislation applies only to banks. This means that cheque cashing outlets are not regulated.

Only Quebec has passed legislation under section 251 of the Consumer Protection Act respecting the practice of cashing government-issued cheques. The legislation states that no one may charge a consumer to exchange or cash a cheque or money order issued by the government of Quebec, the government of Canada or a municipal corporation. This legislation, in effect, closes those loopholes left by the Bank Act that allow cheque cashing companies to operate.

I would think that members would have a very strong objection to paying a percentage fee for having our cheques cashed. Think of it in terms



of those who can least afford it. At first glance, the fees charged by the cheque cashing outlets might not seem too unreasonable, but when one calculates what these fees represent on an annual basis, the true significance of this situation comes across. These are tax dollars being redirected from their intended goal of helping the poor to generating profits for cheque cashers. This is an intolerable situation and one that needs to be remedied as quickly as possible.

This problem has been identified by the Social Assistance Review Committee in its report. It has also been noted by the Ministry of Consumer and Commercial Relations in its legislative review project and by the National Anti-Poverty Organization. It is also seen as a problem by the Canadian Bankers' Association. With all these interested, concerned and affected parties, I would hope that, with some co-operation and initiative, we could rectify this inequity.

Governments have often been accused of being slow to respond to problems. This is the perfect time and a perfect issue to prove that accusation wrong.

Let me now take a moment to share with you some of the recommendations that have been put forward to solve this problem. I would like to emphasize that the adoption of any of these would be done on a voluntary basis—not imposed on anyone but done on a voluntary basis; this is important.

From the outset, it should be pointed out that no solution or recommendation is ever 100 per cent foolproof. However, I am confident that the three options I am proposing today will go a long way towards solving the problem.

One of the most commonly suggested solutions is direct deposit. The direct deposit system allows for the payment of social assistance benefits through the use of a computer that electronically transfers a client's payment directly to his or her bank account.

The benefits of direct deposit are that it would eliminate lost and stolen cheques; there would be no need to worry about the inconvenience of mail lost or postal strikes; from the administrative point of view, direct deposit is time-saving and cost-effective. This method preserves client dignity and fosters self-determination. It is a method that is also favoured by the banks.

One drawback to this method of payment is the fear of garnishment of benefits. Under existing legislation, welfare cheques cannot be seized by creditors. However, nothing prevents a bank from taking a payment that had been deposited directly into an account. If a client has outstand-

ing debts and feels that his benefits may be threatened by garnishment, he should have the option to opt out of the direct deposit and be eligible for another option.

The Canadian Bankers' Association has proposed the assurance of a government identification card as an option for those individuals who prefer to receive their cheques or do not have a bank account. I have been told that the banks are willing to negotiate with both the municipal and provincial governments to come up with an acceptable policy for the encashment of cheques.

## 1020

I have spoken to the Minister of Transportation (Mr. Fulton), asking him to look into the feasibility of using the ministry's equipment in order to produce an identification card that would be equivalent in credibility to a driver's licence.

There are a number of factors that would have to be studied before the system could be considered, such as the cost to the province and municipalities, criteria for issuing a card, and a monitoring system to prevent the possibility of misuse and fraud.

The National Anti-Poverty Organization also suggested that these cards could be provided by the banks free of charge and be kept by the banks, replacing the signature cards that they currently keep on file. Unlike the signature cards, one would not need to have a bank account in order to have a photo card on file. Thus, nonaccount holders would have easy access to cheque cashing services at any bank where they are registered.

I spoke to the bankers' association about the feasibility of this proposal. It felt that this option would be administratively cumbersome and would too obviously identify social assistance recipients.

However, the government-issued identification card would retain the plan's confidentiality and access to the same services and consideration as any other account holder has. Again, I stress that the acquisition of this card would be completely voluntary.

The third option would be the withdrawal card. It is a system by which clients can obtain funds from a teller or an automated teller machine. The funds would be held by the province or the municipality. This option would give clients access to their benefits 24 hours a day through the Interac network of automated teller machines.

In the United States, they are testing the feasibility of the Smart card. The Smart card differs from a regular withdrawal card because it

has a built-in memory and an expanded capacity. This electronic payment system is being tested in the United States to issue welfare benefits and unemployment insurance benefits.

The pilot test has shown that the Smart card fits the clients into the mainstream of society, letting them make machine transactions just like everyone else. It also provides safety and convenience and reduces embarrassment for the client.

These options would provide welfare and social assistance recipients the same service, flexibility, consideration and confidentiality that every middle- and upper-income Canadian has access to. This should be a given and not an exception.

**Mr. Allen:** It is a privilege always to participate in private members' hour and to discuss the resolutions and proposals that members bring forward concerning the public business of this province. Certainly there is one subject which needs a great deal of attention and constant concern on the part of this Legislature, and that is, of course, the condition of the neediest in our communities.

The member has put forward a resolution which proposes to address one of the awkward and difficult moments in the life of a recipient of social assistance, namely the problem of cashing a cheque. Many of us, indeed, have had the experience, even though we are not on social assistance and even though we may not be poor, of finding ourselves in a community where we are not known and expecting to be able to be recognized in some fashion and trying to cash a cheque. The embarrassment at the difficulties is indeed extreme.

One knows that one may send young people from one's family off to another community, for example, and give them a deposit cheque to place in a bank in another community where they may be going to university, only to find that the money cannot be used for an indefinite period of time until somebody has certified that this person somehow is an acceptable person in the eyes of the bank, and then one has to scramble and make arrangements for that member of one's family on an emergency basis.

Those inconveniences are nothing compared with the problems that people on social assistance face day in and day out, or perhaps one should say month in and month out, as they receive their cheques and then attempt to cash them.

The difficulty, of course, is compounded by the obvious fact that the levels of social assistance that are available to people in many of

our high-priced communities do not meet the needs of the monthly expenses of the person or family concerned. I certainly have had representations from any number of sole-support mothers, for example, who find that after they have paid their rent, their utilities and their outstanding commitments that are required at the beginning of every month when they receive their cheques, they either have nothing or \$2 or \$3 or perhaps \$40 or \$50 left over. Others sometimes are hit with a 50 per cent charge simply for rent alone.

Those are not uncommon situations for people to be in. Those of us who have played *The Poverty Game* here will realize with some personal directness the extremity and difficulty of the situation that a person on social assistance is in and the extreme need to have the resources of that cheque almost instantly available, if not sooner.

It is with some reluctance, however, that I really raise some difficult questions in my own mind about the proposal the member has made with regard to requiring or establishing a specific identity card which those people on social assistance, the welfare recipients, would have as a necessary identification mark to pledge the fact that they are indeed genuine recipients of social assistance. That, in itself, is inherently stigmatizing. While I recognize the good intentions and the careful research by the member with regard to this question, none the less, I think his note that it would be voluntary hints perhaps at a certain recognition on his part that that would remain the case.

It is, for example, my understanding that at the moment there is supposed to have been an understanding between government, banks and municipalities that the provision of three pieces of identification would serve. Even so, a story in last week's *Toronto Star* tells us that a young woman by the name of Maureen presented three pieces of identification which were quite suitable and which included a driver's licence. That was apparently not acceptable as identification.

I do not understand why it is that institutions of this kind can deny people recognition on the basis of the provision of one or two satisfactory pieces of identification. Certainly, they do it for most of the rest of us. Corner grocery stores often do it for many of us simply on the provision of a single piece of identification.

The concern that the banks might have of being defrauded in the process is surely not a very real one in the light of the fact that the cheques in question, which we are discussing this morning,



are issued by governments. When the member says that banks can call up on their computer screens a profile of the financial asset and credit situation of their clients at the push of a few buttons, surely the question that has to be asked is why they cannot recognize the creditability of the government of Canada, the government of Ontario or the government of a municipality.

Surely some of the options the member mentioned are preferable and foolproof enough for any of us so that we might avoid the stigmatizing element of issuing an identification card simply and strictly for the person who is on social assistance.

The government of Quebec, the member has said, has required that there be no fee paid upon the presentation of a government cheque to any financial institution. Surely that requirement would take out of circulation, at least, the issue of the money that has to be paid over. Surely, the government can require by legislation that its cheques be cashed. Quite apart from getting into the electronic methods that the member has referred to, much of the problem in those two measures would surely be solved.

### 1030

There is within, figuratively, throwing distance of this Legislature, out in Peel county, an administration which does now automatically open bank accounts for those on social assistance. It is done very easily. Most municipalities have the capacity to do that. I understand that in Metropolitan Toronto there is some technical problem at the moment in doing that, but surely that could be overcome within a relatively short space of time, if minds were addressing the problem.

Certainly, I think the best solution is the solution that apparently is used in New York City—again, the member referred to this kind of an option—where the use of a bank machine card simply gives a social assistance recipient access at any time to the funds that are available to him or her on account for that month.

That would seem to be the handiest, readiest, easiest and simplest solution and, as the member himself said, it is the kind of solution, as the Peel county solution is, which puts a social assistance recipient in the mainstream. He is using normal methods of access to funds that all of us use every day and there is nothing that separates him or her from the rest of us in the process. The stigma is gone and the alienation that is represented by having that separate identity card, not necessarily that it is inherently bad in itself to be receiving social assistance, but we all know how many

people in our communities feel and react in stereotypical terms when they even hear the word "welfare."

I should say in addition that there is an additional practice by this government which could be easily instituted. I do not think this has been changed recently, although it may have and I have not heard of it. Like the federal government, it would be very useful for this government not to post-date its social assistance cheques which would make them a more flexible instrument for the social assistance recipient to receive.

My hope would have been that the member would have perhaps left this issue a little bit more open-ended and focused on us choosing among the various items that he was proposing as possible solutions to the problem. As the resolution stands, focusing simply on the creation of an identity card that would only be held by that proportion of the poor in our community who receive social assistance, I reluctantly have to stand in opposition to that specific proposal, recognizing the overwhelming good intent that the member has and in the hope that one of the other solutions will be found to solve this problem.

**Mrs. Cunningham:** I, too, would like to state to the House that I very much appreciate the opportunity to speak during this private members' hour and would like to congratulate the member for Carleton East (Mr. Morin) for his resolution this morning and for the work that went into it.

I think for the members who are not here and have not been able to hear the member for Carleton East, it is most important that they do check Hansard for this particular debate and discussion because there is much more to his resolution than what appears on Orders and Notices and for that we very much appreciate his discussion.

It is extremely important to know that we are not just talking this morning about the issuance of an identification card for a very special group of people. I think that the member in his speech stated that he was going to investigate even other alternatives to solve a very real problem for some people that we very much care about.

I think that as we try to get some information from our own constituencies as we all looked at this resolution, one of the more important statements that I think was made in London, as we called back, over a period of time, was on behalf of our mayor, Tom Gosnell. His first reaction was that we would support anything that

would stop welfare recipients from being ripped off by people charging fees and I think it is basically that. That is exactly what it is.

As a person who worked in a very special agency for a very long period of time and was responsible for advising people around their finances and advising them around their great challenges in life—and those were the stresses that single mothers face in raising their children—I can assure you there are charges such as six per cent on a government cheque, 10 per cent on a government cheque from another province, three per cent even on a regular paycheque, two per cent on an old age pension cheque. I cannot begin to describe to you what happened when these mothers would fill in their income tax returns and expect rebates and have as much as one third of their rebate deducted from a cheque, because they were so desperately in need of money. So this is a very real problem.

I think that my great appreciation this morning was especially when the member for Carleton East talked about options. I hope he really will take this motion and the trust that we have as elected members with him in the negotiations and see it through. I think it will take a very long time to accomplish what the member wants and we would support him in some probably very lengthy discussions. They are not new. The first discussions and recommendations that we were party to were basically in 1973, as we looked at the needs of single parents in the city of London and ultimately across Ontario and Canada. This issue was raised as a very real concern then in my own personal involvement.

The direct deposit should be looked at very carefully, because everyone knows one of the real problems for any of us when we get a cheque two days before the date we are allowed to cash it is the frustration of having to carry that around in one's wallet or purse or pocket, and to even keep it safe. That is a very real problem for some of our special people, as it is for ourselves. So I think it is very important to look at the direct deposit.

I really appreciated the note that was made on behalf of the member for Carleton East, when he stated that there is a very real fear of garnishment there, and therefore, we all would like to underline the word optional. I think all of the alternatives that we are looking at this morning must be optional, even the identification part. I think that is important.

We looked at the willingness of the banks to negotiate around these identification cards. I think the banking institutions should take on more of a responsibility for all of the customers

they serve. In fact, they should be taking on more of a social responsibility, as most institutions are within our own province. People look to us for support for sometimes very short periods of time in their lives—that is why I have trouble sometimes with the identification card, because we do not want them to carry it for ever.

But, really, if we look at people on social assistance, most of them need our help and support for a very short period of time. Usually, it is when they are raising their young children, which may be for two or three or four years. As all the members know, the policies that we support are those policies which help them to become independent. But during that short period of time, I think it is just terrible that they should be taken advantage of because of their tremendous need—not just because of the urgency to cash the cheque because they want the money, but because they need the money.

Therefore, I think the banking institutions should take these discussions very seriously and in fact should be looking at some of the recommendations that have been made to them many many times in the past.

We even looked at a recommendation at one time in a committee of this Legislature that said that the Ontario government passed legislation prohibiting anyone from charging a fee to cash a cheque or money order issued by any of the governments of the province. I am sure that if the member for Carleton East is not successful in his negotiations, we should in fact be looking at that kind of a recommendation.

#### 1040

We also looked at the Bank Act. In particular, there were recommendations that would require the schedule A chartered banks to cash welfare cheques with no questions asked. We looked at recommendations that severe. I think the banks and the banking institutions should consider themselves quite fortunate that the kind of recommendation, with the options the member for Carleton East has presented today, is what we are discussing, as opposed to those two recommendations which they could be dealing with instead. If we cannot come to some kind of compromise, I think we should be taking even stronger stands.

The member talked about a withdrawal card as being another option he would be discussing with the municipalities, which I think is very important. I congratulate the member on this one, because there are costs to the municipality in this particular recommendation and I think it is very important to know that we are discussing this in



advance with the government of Ontario, the municipalities and the banking institutions; we are looking at an agreement in advance so that everyone is totally aware of the cost of this particular recommendation.

I think the Smart card is a good idea. I think, again, we should be looking at optionality. I really appreciate the word "confidentiality," because I think all of us have had experiences in banks over the years where we have not been treated as confidentially as we had hoped.

These special people, whom we all know well, with whom some of us have worked over the years, deserve more credit than they are given. Many of them are people who are raising young children on their own and who are dealing with their children's challenges at school and with the normal medical problems of dealing with very young children. They are often without the support of another family member and they need our support at this time.

I would just like to state in closing that I hope the member is successful in these negotiations. The Provincial Coalition for the Cashing of Cheques made a number of recommendations. I hope the member is aware of that report, as I am sure he is, and that he will take those recommendations to his discussions. I have them for him, if he does need them.

I think the banks should also be looking at their three requirements for opening accounts: the social insurance number, the driver's licence and the credit card. The last two are not available to many members of our society because they choose not to operate with credit cards or they are not eligible for them; they choose not to drive cars or they simply do not have them. I think those three requirements should be seriously discussed as the member enters into negotiations on our behalf.

I thank him for his motion. I think it is a very caring motion which will help members of our society in a very real way.

**Mr. Offer:** It is an honour and a privilege for me to take part in this very important debate with respect to the private member's resolution of the member for Carleton East. First, I am in total support of the resolution. Second, it certainly would be remiss on my part not to congratulate the member for the work he has done, for the analysis, for the research, for his commitment, for his determination and for the effort he has put forward in this type of resolution.

I have known the member for a number of years and I know this is a continuation of the type of effort he has put forward. I remember that a

number of years ago this kind of resolution was put forward in terms of tax discounters and the hardship they put on those who are least able to afford it. This is a continuation of the member for Carleton East's determination, effort and commitment to help those who most need help.

I think this is a matter about which those who might be watching these debates on television say, "I'm not even aware that this happens to be a problem." They look upon their bank as a place where they go once a week, maybe twice a week, and when they think of going, they think of a minor irritation that they may have in terms of lining up or what is in their account, but never in terms of whether they in fact have access to that bank.

This is indeed a problem, which of course those who are in the middle or upper class do not have, but it is a very real problem for those on assistance. It is a problem that we must, first, identify as a problem and, second, address our minds to how it can be solved.

We have to work on the basis and accept the principle that this type of problem is indeed solvable. The member for Carleton East has put forward in his resolution the use of identification cards. We have heard some other alternatives to the solution of this problem, so we work on the principle that this problem, with a will, is indeed solvable.

Why do we have this? For the majority of Canadians, banking is really just a part of life. It is a thing that you have to do. It comes with some irritation of a minor nature, but it is something that we do. It is something that we accept. We never question our access to the bank. But for a significant number of Canadians, their dealing or lack of dealing with the bank is more than just a minor irritant, because across not only this province but this country there is indeed a lack of access to financial services. Access to financial services is indeed restricted.

When I talk about financial services, I am not talking about services that might be deemed or thought of as luxurious services. We are talking about the most basic of services. We are talking about the service of an individual to cash a cheque. For many in our society, this is a service that is very, very difficult. The result of this difficulty is not only that the cheque cannot be cashed but it manifests itself in the fact that people do not have money to purchase food.

Why do we have this problem? One of the problems that has been discussed by all members is the whole question of identification. When we talk about identification, we think about li-

cences, ownership, insurance. Of course, we think about a social insurance number. We think about wallets that contain so many pieces of identification we do not even know all that is contained. But we must also realize and understand that is not available to those persons who are under and have social assistance.

These items of identification, such as drivers' licences, automobile insurance ownership cards, are items that many low-income Canadians cannot afford. It results in a difficulty in providing identification, which results in a difficulty in then cashing cheques, which manifests itself in a difficulty of then being able to use the money from the cheque for the purpose for which it was received.

There are alternatives to the banks. There are alternatives such as grocery stores, landlords, relatives, friends. All of these may or may not have a fee. The point is that there is also the growth of these cheque cashing services that impose a fee on people who are least able to pay that fee. Because of that, it imposes upon all of us an obligation, a responsibility to do what we can to make certain that those persons who need those cheques cashed, who are having difficulty in accessing financial services, are able to have cheques cashed without a fee imposed. This is a very fundamental type of problem. It is a problem which boggles the mind in terms of one individual being issued a cheque and not being able to cash it.

#### 1050

There are solutions to this problem. Some of the solutions have been brought forward by, particularly, the member for Carleton East, who has, as I indicated earlier, devoted much time to investigating this problem. We have heard the whole question of photo identification cards to facilitate a solution to this problem, because there is a solution to this problem. There are alternatives to this type of problem that people are having in getting cheques cashed.

In the short time available to me, I would like to say that I know the region of Peel has dealt with this problem through the whole mechanism of direct deposit, another alternative for the solution of this problem. We know that in the region of Peel it is a direct method of paying welfare benefits using a computer to electronically transfer a sum of money from the agency of issue directly to the client's bank account.

Of course, it is an obligation and it foists responsibility on, for instance, the region of Peel to have a well-defined computer system. This they have done. The region of Peel has been

using this system for a number of years. The type of system they have worked out is that four days before the payment date, welfare workers review and approve the list of recipients entitled to benefits. The list will include the following: the client's name, address, date of birth, bank branch address, bank account number and the approved amount to be paid.

It is the experience of the region of Peel that the cost of using this service is less than the cost of using cheques. The region of Peel has taken a step in the solution of this problem. We have heard other alternatives such as photo identification, all of which are able to be used, all of which are able to solve this problem.

I commend the member for Carleton East. I think he has raised an important issue and I stand in support of his resolution.

**Mr. Farnan:** I want to share with the members of the House this morning the story of very good friends of mine, Alex and Eileen Mullin, formerly of Cambridge. They are senior citizens who have moved away from Cambridge, but I think their story is very indicative of the difficulties that many people have in getting cheques cashed.

Several years ago, Alex went to his bank. He had a couple of cheques that he wished to deposit into his bank account. One of them was current, which he was able to do, and the other was post-dated. In order to leave the cheque with the bank and have it put into his account, it would have cost him a fee of \$3. When he learned of this, he decided to take the cheque back and go to the bank the following day or the following week and to then deposit that cheque.

These were senior citizens. There are literally thousands of individuals like this and many of them, without a car, having to take public transportation or having to walk a considerable distance to the bank, are being forced to pay an unnecessary fee. In summer, you might say that a stroll to the bank is fine, but is this what we want for our senior citizens during cold winter months, and for welfare recipients, for a young mother trying to take care of her children, trying to rear a family? Is this what we want, that she would have to make an unnecessary trip to the bank in order to save that precious \$3 that may go towards a new pair of shoes for the kids? This is not the type of society and this is not the type of banking service that I want to see in effect.

When I look at the banks, I can legitimately say that there are dual purposes to the banking system: there is the purpose of profit and the purpose of service. I would say that the banks



have a social responsibility to respond to the weakest and most vulnerable in our society. If the banks do not willingly undertake a generosity of spirit that will respond to the needs of those individuals who are in need and who are vulnerable, then indeed there is a role for legislation.

As far as the agencies that will cash cheques for a fee are concerned, I think my own view is perhaps that in their treatment of the poor, they are literally the barracudas of the financial world. There is an insensitivity, a lack of generosity and a lack of feeling on the part of these institutions. I would not be in the least bit remorseful to see controls placed on this particular type of agency which would make it impossible for them to gouge the poor and the needy.

I do believe it is important and I commend the member for Carleton East for intending to make banking services accessible to the poor and the needy. However, I do find difficulty, I am afraid, in supporting the concept of having identification cards issued. I am just not supportive at all of identifying those who are poor and those who are needy by a special card. I think if they are in receipt of a government cheque, then that cheque should not be post-dated. They should simply be able to go to the bank, deposit that cheque and have it recognized.

I do like some of the suggestions put forward by the member for Mississauga North (Mr. Offer) and the examples he gave of the initiatives in Peel county. I think we could look in that direction, but I do believe there is a responsibility for government. The quality of any government, in my mind, depends on the manner in which it deals with the needs of the poor and the most vulnerable in our society. We cannot look ourselves in the mirror with any dignity if we continue to treat our poor and our needy in this manner.

I commend the member for Carleton East for raising the issue. I hope we will proceed to solve it, but I am afraid in this particular case, because of the inclusion of identity cards, I cannot personally support the motion.

1100

**The Acting Speaker (Mr. M. C. Ray):** The time remaining will permit only the opportunity for the member for Carleton East to give his wrapup.

**Mr. Morin:** The public's general perception of government is that it is slow to respond to problems and inequities. However, I hope the proposals I have put forward today will help to stimulate discussion and eventually result in

measures that will alleviate a problem faced by many low-income Ontarians.

To recap these options, they are as follows: direct deposit to a client's selected bank, a government-issued identification card that would secure the client's ability to cash a government cheque, and access to a central government fund through use of an instant bank card up to the limit of the client's entitlement.

I believe this range of options constitutes a practical and workable solution to an obvious problem that needs to be addressed as soon as possible. I appeal to the members of the Legislature for their support.

J'aimerais aussi souhaiter la bienvenue à des jeunes élèves de l'école William G. Davis Jr. qui, selon ce que mon collègue m'a expliqué, apprennent le français.

### AGRICULTURE IN THE CLASSROOM PROGRAM

Mr. Reyecraft moved resolution 56:

That, in the opinion of this House, recognizing that agriculture continues to be a vital component of the Ontario economy and contributes significantly to the social and cultural character of the province; and recognizing that general awareness of the nature and importance of the agrifood system in Ontario has diminished as the province has become increasingly urbanized; and further recognizing that it is essential to present topics addressing the social and economic importance of the agrifood system to Ontarians through integration into the curricula of both elementary and secondary schools; the government of Ontario, through the Ministry of Agriculture and Food, should establish a provincial headquarters for the Agriculture in the Classroom program, to function as a collection and distribution centre for learning materials and as a learning centre for teachers and students.

**The Acting Speaker (Mr. M. C. Ray):** The member is reminded that he has up to 20 minutes for his presentation and may reserve any portion thereof for a wrapup.

**Mr. Reyecraft:** Mr. Speaker, I am not sure how long I will be with my opening remarks, but I do intend to reserve a couple of minutes to respond to comments that are made by other members.

I am very pleased to be able to present this morning to the assembly a resolution that addresses an issue I am very interested in, one that is of considerable importance. It certainly addresses an issue that is regarded as important by those involved in the agrifood businesses of

this province. It is one that is also recognized as important by a good number of educators in many different regions of this province. However, it is an issue, I am sorry to say, that is not recognized as being important by educators in some parts of the province, nor is it recognized as being important by many other people in Ontario.

The issue is agricultural literacy, which can be loosely defined as a general knowledge of how our food is produced, how it is processed and how it is distributed to consumers in Ontario. Agricultural literacy is an issue that was of very little concern to educators only decades ago, because our society in this province was very much different then. Today, in 1989, less than three per cent and perhaps as little as two per cent of the population of this province, of its 9.5 million people, are directly involved on the farm in agriculture. In 1899, some 100 years ago, that percentage was some 67 per cent.

Certainly back then, and in fact not very many years ago, everybody either worked on a farm or had relatives or close friends who did. Everybody had at least a basic knowledge of how our food was produced, processed and distributed, because if you did not live on a farm then at least from time to time you visited relatives or friends who did and you learned from them how your food arrived at the table.

Everybody at that time had farm roots, and agricultural literacy, as it is now defined, was something people acquired outside the school system. But gradually, from decade to decade, the situation has changed and today fewer than three people out of every 100 are directly involved in food production. Now we have a large percentage of our population several generations removed from agriculture and from the agrifood industry. Many of those people have very little idea where their food comes from, how it is processed and how important the whole agrifood industry is and how important it has been to this province. Because of the gradual transformation of Ontario from an agrarian province to an urban one, we are in danger of producing a generation of Ontarians who are agriculturally illiterate.

To that concern, some people might say, "So what?" They might ask, "Why does it matter that most of the people in this province are poorly informed about our agrifood industry?" There are a number of reasons why it matters.

First, this country of ours rightfully earned a reputation as the food basket of the world and because of our climate, our geography, the kind

of soil we have, we still have the potential to make a major contribution to feeding a very hungry world. It is estimated now that the average farmer in this province produces enough food to supply 90, 100 or perhaps more people. Our agrifood industry has the ability to produce not only enough food to feed our own population, but to supply other provinces and to export to other nations as well. In fact, Ontario alone does export about \$2 billion worth of agrifood products each year, making a very significant contribution to this country's economy.

But there are some other reasons why we should be well-informed about our agriculture. While only about 130,000 to 150,000 people in the province now actually work on farms, the number employed in various agribusinesses throughout the province is much larger. Indeed, as many as 1.5 million people in this province are employed in some kind of business involved or related to the production, processing or distribution of agricultural products in Ontario.

The 1.5 million jobs, the \$2 billion worth of exports and the domestic food supply are not the only reasons our young people should leave school with at least a general knowledge of agriculture. These young people need to know how their food is produced and how it is processed, because the way in which our foods are produced and processed can most certainly determine the effect of those foods on our health. As we continue to become more and more a health-conscious society, that knowledge becomes essential if our young people, our citizens, are going to make informed decisions about what we eat.

#### 1110

There are other reasons. The young people who are in our school system today are the future policymakers of this province. They are the people who are going to be politicians at all three levels of government. They are the people who are going to be civil servants, administrators, professionals providing advice to politicians and administrators. They are the people who are going to make decisions or advise on decisions that will address a whole host of issues like the use of land, environmental restrictions, health regulations, decisions about the support that is going to be provided by our society for the producers and processors of agricultural products in the province. It is, therefore, in the best interests of everyone that those young people leave our school system knowledgeable about the agribusiness of this province.



There is another reason too. Not everybody who is not involved in the agribusiness of this province lives in an urban situation. Throughout the rural parts of the province, there are many people who are not involved in any way in agribusiness nor have any background or knowledge of the agribusiness of the province. Those people live on residential lots in rural areas and they too need to have an understanding of the agribusiness so that they can understand why the farmers and the food processors who live near and around them conduct their business in the way they do. In fact, maybe if those nonfarming neighbours now had that kind of understanding I have talked about, we would not need right-to-farm legislation such as this government has just recently passed.

For those reasons and others, a general understanding of the agribusiness is important for all citizens of the province. The reality is that if you eat, you are a partner in agriculture in this province. Agribusiness is everybody's business. Whether you are a farmer, a food processor, a distributor or a consumer, agriculture is your business.

While there is concern about the number of people in this province who are agriculturally illiterate, who do not have that general knowledge about our agribusiness, there is some cause for us to be encouraged that the problem has been recognized. We can be even more encouraged by the fact that considerable action has been taken to address the problem.

I am proud of the fact there is no part of this province where more has been done, where more action has been taken to address this problem than my own home county of Middlesex. I would like to take just a couple of minutes to talk about what has been achieved there by a relatively small group of very dedicated volunteers.

The story starts about six years ago, when three delegates from the Middlesex Women for the Survival of Agriculture attended an international conference on agriculture in the classroom in Washington, DC. They came home from that conference with a real sense of purpose about the need for action here in this province, indeed throughout the country.

Since that time, those individuals have done a number of things. They have been very active in lobbying both the Ministry of Agriculture and Food and the Ministry of Education to try to see an expansion and an improvement in the teaching of agriculturally related topics in our schools. They have produced a number of agrikits, the central feature of which is a set of puppets that

can be used by teachers to introduce pupils in their classrooms to several farm industries. Those agrikits are available at a central location and they can be borrowed by teachers throughout the county for use in their classrooms.

They have organized professional activity days for teachers. They have organized farm tours for teachers and students to familiarize them with modern farming practices. They have been instrumental in the organization of other similar organizations throughout the province.

Perhaps their most notable achievement, in a long-term sense anyway, is the fact that they were involved in the organization of the very first national conference in Canada on agriculture in the classroom. That conference took place in 1987 in London and it was extremely successful, so successful that it led to a second national conference which occurred last year in Saskatchewan.

Two of the members of the Middlesex Women for the Survival of Agriculture, who were involved in that trip to Washington, who have been involved in those initiatives I have talked about since and who were, certainly, key individuals in the organization of that national conference, are here in the members' gallery on the east side.

I want to recognize in a public way and acknowledge the contribution of Suzanne Leitch and Jean Johnson to this whole initiative because their contribution has not only bettered the cause of agricultural literacy in my county of Middlesex and throughout Ontario, but indeed throughout all of Canada.

I want to also recognize the fact that there are many other counties now where Agriculture in the Classroom initiatives have been undertaken and where excellent learning materials and teaching aides have now been produced for use in the schools of our province.

I also want to recognize the fact that the Ontario Ministry of Agriculture and Food has made much progress in expanding its Agriculture in the Classroom program. The program was originally established in 1984 when the ministry appointed an educational specialist. Since then, it has been active in organizing professional activity days for teachers, in providing displays at conferences of all kinds, in producing resource materials that would be helpful for teachers in their classrooms, in providing input into curriculum development and in providing workshops to assist teachers.

Certainly, the ministry has recognized the importance of the project. Just last year it

expanded the program significantly by appointing an additional staff person, an educational co-ordinator, and by seconding three teachers who are now involved in reviewing the existing curriculum throughout the province and in identifying opportunities to include agrifood topics in that curriculum. It has produced a number of new resources for use in the classroom, including, I want to mention specifically, a teaching kit called Many Nations, Many Farms, that recognizes the contributions of ethnic groups to agriculture in this province.

Perhaps one of the most significant developments, though, from the ministry's point of view has been the appointment of an Agriculture in the Classroom steering committee. That was done a little more than a year ago, in 1988, with a steering committee of 12 members, including representatives of the Ministry of Agriculture and Food, educators, agribusiness and commodity groups. The steering committee's mandate is to make recommendations to the minister on how he can take actions that will increase the awareness and appreciation of the agrifood system in this province.

Certainly, across Ontario there have been many initiatives undertaken in the whole area of agriculture in the classroom by a number of different organizations and by commodity groups. I recognize the fact that today in Ontario there is certainly a wealth of learning materials available to assist teachers. But I have a concern that the availability of those learning materials and of other means of assistance is still unknown to many of those teachers.

Therefore, I am suggesting a resolution that a provincial headquarters for the Agriculture in the Classroom program should be established, because that headquarters could then function as a centre where samples of these learning materials, perhaps even quantities of them, could be collected, stored, and distributed to teachers throughout the province.

**1120**

Teachers who wanted materials would have an opportunity to visit the centre, to learn about the materials, to become familiar with them and to obtain them for use in their own classrooms. The headquarters would also have the potential to function as a learning centre for teachers where workshops could be held that would provide an opportunity for teachers to learn more about agriculture and how it is practised in this province today and in 1989.

Many locations have been suggested by people I have talked to about the headquarters and,

frankly, I am not in a position at this point to recommend any particular location. I recognize that the Agriculture in the Classroom program is one that is an evolutionary mode. I recognize that significant advances have been made over the last five years and I hope that expansion continues because it is obvious that much more needs to be done to ensure the agricultural literacy of the population of this province.

It seems to me that the very logical next step would be the establishment of a provincial headquarters for this program. That is what this resolution recommends, and I am looking forward to the comments of other members on my proposal.

**Mr. Wildman:** I rise in support of the resolution presented by the member for Middlesex (Mr. Reycraft) and I agree with his comments with regard to the importance of informing young people, and people of the province generally, of the importance of the agrifood business in Ontario. I want to make some comments with regard to that.

However, I should make clear one concern I have regarding the resolution. I really am not certain why there need be a centre, a location in a particular place. If there is the commitment on the part of the Ministry of Education and the Ministry of Agriculture and Food to making this happen, it seems to me that there may not be a need to have a centre separate from the normal curriculum development process of the Ministry of Education.

As long as there is adequate input from the agricultural community in the province and also from the Ministry of Agriculture and Food, I wonder whether there need be a centre for the development of curricula, the development of learning materials and the distribution of learning materials. That could be done without a physical building or centre for the dissemination of this kind of material.

I am tempted to suggest that if there were to be such a centre it should be located in a place like Sudbury where there is so little literacy with regard to agriculture and people know almost nothing about agriculture.

**Mr. Villeneuve:** You will notice there are no Tories in that area.

**Mr. Wildman:** Perhaps that is because the Tories do not know anything about mining, but that is another matter. I will say, though, in a serious vein, that I agree with the member about the need to inform our young people about the importance of the agrifood business as a contri-



bution to our economy and the society of Ontario.

As a former educator, I can say that it is somewhat difficult to persuade—and I know the member for Middlesex may have had this same experience—people in the Ministry of Education and people in the teaching profession of the need to review curricula on a basis of providing educational programs with which they are not personally familiar.

I know the difficulty in the past, for example, of persuading people involved in the history programs in Ontario, or for that matter in the business programs or sociology programs, of the need to develop educational curricula related to the importance of labour and the history of labour and its contribution to Ontario, or the development of women or the development of various ethnic groups and their contributions to our society.

Agriculture though, being if not the primary industry certainly one of the primary industries in this province, should not be one that would be difficult to develop. Certainly the contribution of agriculture and the importance of agriculture crosses many educational disciplines. We can look at the history programs, the sociology programs, the economics programs and even the science programs in schools that should all be able to benefit from the development of learning materials related to agriculture and the agrifood business.

As the member for Middlesex indicated, we are entering an era, not just in Ontario but throughout the industrialized world and even the Third World, where it is important that our population become more and more aware of the fragility of our relationship with the land and the air and the water on this planet.

It is especially important that we encourage people to understand the need for good land stewardship and for development of environmental controls and environmental processes that will make it possible for us to continue to feed the ever-growing population on this planet.

Also, we are becoming more and more aware of the possible concerns related to certain additives in our food and the health hazards that might develop from the use of certain types of chemicals or new, more modern farming processes that enable fewer and fewer farmers to produce more and more food at even less cost in some ways, but at the same time may have longer-lasting effects that we are not aware of now.

I think that by educating the public, particularly now that so few people are directly related to agriculture—at one time up until just after the Second World War, the vast majority of Canadians, if not from the farm themselves, had a grandfather or an uncle or an aunt or cousin who was on the farm. That is no longer the case. Approximately five per cent of the Canadian population is directly involved in agriculture, or less than that. Yet we are still producing far more food than we did in 1950 because we have modern equipment and agricultural practices that make it possible for fewer and fewer people to produce more and more.

But with intensive farming methods, perhaps we are producing a situation where in the future we may have serious difficulties in providing the food that we need. We have seen some of the problems that we have experienced on the Prairies just recently regarding the drought and the need for new types of tilling methods to ensure the preservation of the topsoil in that part of Canada, which is one of the bread-baskets of the world.

We cannot do that if we ignore agriculture in the classroom. We cannot do that if we do not have an informed public: not a public that has some sort of idyllic, romantic view of farming, of the rural way of life, but one that has some sort of idea of the reality of agriculture and the importance of not just the production of food itself but the food marketing, the processing, the distribution, the advertising, the production of seed, the production of equipment and its importance to them for producing jobs in our economy and helping us to have positive gross provincial and gross national products.

### 1130

I think that we need to be developing these learning materials. I congratulate the members of the farm community who have taken the initiative to encourage schools and school boards and the Ministry of Education to become involved in this.

I support the efforts made by the Ministry of Agriculture and Food to encourage the Ministry of Education and teachers' organizations across the province to become involved in this through professional development programs, the production of learning materials, farm tours for both teachers and students and other methods. For those reasons, I support this resolution. But as I again reiterate, I have some reservation about whether or not we actually need a physical centre.

I am not going to oppose the resolution on that basis, because I think it is an important resolution, one that highlights the need to have education in the classroom as a priority, not just for schools in rural Ontario but for schools and school boards in urban Ontario and also for the Ministry of Education.

I congratulate the member for bringing forward the resolution. I will support it. I have some reservations about one aspect of it, but I certainly recognize the need to inform our young people and our educators of the importance of agriculture and all of the ancillary industries related to it in our economy and our society and for the production of materials that will make it possible for us to have a real presence for agriculture in the classroom.

**Mr. Villeneuve:** I too want to commend the member for Middlesex and indicate at the outset my personal support and our party's support for his private member's bill on the topic of agriculture in the classroom.

Suggestions for aiding, however, should have emphasized a number of other points that I will maybe touch on today. I certainly wanted to agree with the member for Middlesex as he introduced Suzanne and her colleague over here in the members' gallery. I too have a number of active ladies but, in particular, Dorothy Middleton from Chrysler in the riding that I represent, who is very active in the movement Women for the Survival of Agriculture. Certainly, that support is appreciated.

The very worthwhile idea for the Agriculture in the Classroom program originated quite some years ago. I believe it was 1982 that a former Minister of Agriculture and Food and colleague of mine, Dennis Timbrell, announced that the Ministry of Agriculture and Food and the Ministry of Education had agreed that there was a need to promote agricultural awareness in the classroom.

Indeed, a number of high schools in the riding that I represent and, in particular, Ecole secondaire Glengarry District High School did have an agricultural program until about 1986, when it was cancelled. We wonder why it was cancelled. However, it is great to see the member for Middlesex promoting and reviving what I think is a most important concept of teaching our young people.

Ontario's agricultural population, as has been touched on by the previous speakers, is certainly down to less than three per cent and probably somewhere around two per cent, and yet that industry is a very basic and major industry in

Ontario. It employs some 20 per cent or more of the population both directly and indirectly and certainly is the basic industry and probably the reason why our country and our province is in good economic condition.

Agriculture used to be taught as a credit course in secondary schools. Today, it has effectively disappeared from the curriculum. It is hardly surprising that even children from agricultural and rural areas see little relevance in agriculture when it is no longer covered or even touched on in the school curriculum.

For some years now, farmers and farm leaders have commented on the fact that the average age of farmers has been rising steadily. That means that we are not replacing our hard-working agriculturalists and farmers in this province.

Agriculture in the classroom is the first idea to come along which hopes to reverse this historic trend towards little or no knowledge of agriculture. Even though almost seven years have passed since the idea was first raised, agriculture in the classroom has failed to receive the support it deserves from this current government. While the member for Middlesex might be speaking out strongly in support of agriculture in the classroom, the Minister of Agriculture and Food (Mr. Riddell) certainly does not seem to be listening.

I appreciate that his parliamentary assistant is in the chambers here this morning. He may well be the next speaker for the government. I certainly hope the message will go to the minister that we do need additional knowledge, particularly at the secondary school level. Certainly the Minister of Education (Mr. Ward) should be made aware of it as well.

In fact, the Minister of Agriculture and Food has not even been listening to farmers too well. The reduction of 60 per cent in the Ontario family farm interest rate reduction program and the farm tax rebate confusion which exists now reflect to some degree the fact that somehow or other, agriculture is being relegated to the bottom of the importance ladder of this government.

Back on topic, we can certainly say that compared to six or seven years ago, the Agriculture in the Classroom program has made clear and definite progress. It is only when we look at what must still be done that we realize so very little has actually been accomplished to date and so much remains to be done. The objective is quite clear: Our population must have a better understanding of agriculture.

The food industry is life itself. In the spring of the year the plants come to life, proceed throughout the summer and fall, and then we



have a killing frost and death. In animal life, the whole ritual and sequence occurs again. I think it is most important, it is a very essential knowledge that our young people must have about life itself, and that is what happens out on the farms in rural Ontario.

To accomplish this goal, we must first convince teachers, school boards and the education bureaucracy that the objective is most worth while. Having done that, we must ensure that teachers have the resources and materials to provide the necessary instruction and that the material provided fits into the existing school curriculum.

In 1983, the Ministry of Agriculture and Food hired a consultant to review the existing situation. The resulting report found that there were indeed many ways in which agriculture could and should fit into the school curriculum. It also found that the Ministry of Agriculture and Food offices were contact points for teachers seeking information about agriculture and it could fit into the school curriculum. General farm organizations and commodity groups also saw the wisdom of such teaching in the classroom and are very supportive of it.

In the following year, 1984, the Ministry of Agriculture and Food appointed an education specialist, which led to a resource binder available as a classroom aid. Development began and additional resource meetings were held involving producers, agribusiness, schools and the teaching profession. Middlesex county became the first county to have a professional development program for teachers on agriculture in the classroom. I want to put in a little plug for the predecessor of the current member for Middlesex; Bob Eaton was the member at that time.

While the quality and usefulness of the resource kits were high and the professional development days generally successful, there were problems, some of which still exist and which this government has not done a great deal about. One major problem is the lack of an adequate number of resource kits. For example, the multiculturalism kit the member mentioned, *Many Nations, Many Farms*, will not be available until some time in 1990. It was so popular that they ran out of it. I think that is a shame. There is a need here. It was developed in 1987 and is available at two levels, one for grades 5 and 6 and the other for grades 9 and 10. It is available in both official languages.

It seems that this Liberal government at Queen's Park wants to be remembered in history

for creating waiting lists for everything: the pamphlet I just mentioned, people needing heart surgery, classroom resources, etc.

I think the member brings up a very worthwhile private member's motion and I hope the members of this very strong Liberal government, strong in numbers at least, will move forth and act on the private member's resolution this morning.

#### 1140

The member for Middlesex, I believe, earnestly wants to see more agricultural information disseminated from the classroom. I think he is in a position to act accordingly and bring forth the resources that are so badly needed.

We should think about having resource materials produced so that schools can buy what they need instead of waiting for a loan. We must always use the argument that we should always have an answer, but an answer that provides and produces what it is that is needed.

Regarding students receiving the normal French-language education, there is a large portion of francophones in eastern and northern Ontario. I think certainly the material should be oriented towards them as well and not produced only in one language.

Eastern and northern Ontario have lagged behind central and western Ontario as far as agriculture in the classroom is concerned. I am very pleased that there is a move afoot. As a matter of fact, today, January 19 happens to mark the date of the agriculture in the classroom workshop for teachers and librarians in the Ottawa region. Others will be held across Ontario.

Certainly, I think that is a move in the right direction. I can tell the member that the Ottawa workshop has been oversubscribed and that people have been turned away. The problem is, if it is that successful, why not proceed with it and not do what is being done on Sunday shopping, which is not very popular and will not likely be very successful.

In conclusion, in the remaining few seconds that I have, I would like to mention two people who are doing a great deal to promote agricultural education in eastern Ontario. One is Brian Goudge of the Ministry of Agriculture and Food. He is a consultant for agriculture in the classroom in eastern Ontario. The other person is Lise Ledoux in Stormont county, where I live. She is our rural organizational specialist. Last Saturday she organized a day-long program for eight students from Cornwall Collegiate and Vocational School at the Avonmore Ministry of Agricul-

ture and Food office. It was a most successful day. These people went to the farms and saw just what happens on farms in eastern Ontario.

**Mr. Miller:** It is a pleasure to rise this morning and participate in the debate. I had hoped it would have been a little more constructive, rather than destructive, but I think agriculture does play a tremendous role in the economy of Ontario, producing about \$15 billion worth of activity. One in five jobs are created by agriculture. I would like to congratulate the member for Middlesex for bringing this resolution forward and giving us an opportunity in the early part of 1989 to debate and promote agriculture in this Legislature through our private members' hour.

The member is a former principal of an elementary school and a teacher in a secondary school. He has firsthand observations to provide for this Legislature on how effective our school system has been. I think the member for Algoma (Mr. Wildman) is also a former teacher and he made a good contribution. The member for Stormont, Dundas and Glengarry (Mr. Villeneuve), a farmer, was just kind of raking over the past and not really looking to the future.

**Mr. Pelissero:** They always do that.

**Mr. Miller:** I think we have to look to the future in agriculture with a positive approach.

**Mr. Villeneuve:** Give a little bit of credit where credit is due.

**Mr. Wildman:** The party of the past.

**Mr. Miller:** However, in response to the question raised by the honourable member for Middlesex—

**Mr. Villeneuve:** You didn't see those polls, did you, Bud?

**Mr. Miller:** Yes, we did. We keep an eye on the polls. Like the Premier (Mr. Peterson), we do not always believe in polls, but they are an indication.

We are certainly proud to be farmers and farmers totally. I do not think there are too many members of the Legislature representing the ridings around the province who received their education on the farm. I am proud to say that I have been able to achieve that with a little help from I am not sure where.

We were in Guelph on Wednesday of last week celebrating the 25th anniversary of the university. I had the opportunity of representing the minister. I was proud to do that, even though I only gained my education at the Jarvis public and continuation school. We have been able to achieve much and I do not think we have quit

learning even though we did not have those opportunities.

This morning, I would like to respond to the question raised by the honourable member for Middlesex about what is being done to educate Ontario students about the importance of agriculture.

The Ontario government is firmly committed to teaching future generations about the agrifood sector, not only to make them understand how food gets from the farm to the dinner plate but also to appreciate the economic importance of the province's second-largest industry.

I think that is the underlying fact, how much it means not only to rural Ontario but to our urban friends, whether it is in Metropolitan Toronto or other large cities across the province; to the population generally.

In 1984, the then Minister of Agriculture and Food launched the Agriculture in the Classroom program. I think the member for Stormont, Dundas and Glengarry should get that correct. I indicated that. Through this program, three important new educational resources have been produced for use in the schools: first, a resource binder for the food and energy sector of grade 9 science curriculum; second, a variety of printed and video materials for the use of elementary and secondary students; and third, a multiculturalism in agriculture resource kit called Many Nations, Many Farms for use by teachers in grades 5 and 6 and grades 9 and 10. A kit for grade 7 and 8 is now being developed.

I think that is really what the member is talking about with this resolution. We do need a centre to make sure that this material is updated and is available for all education centres across the province. I think that is really what we are talking about this morning.

As well, the Agriculture in the Classroom resource catalogue has been updated. As a future refinement, this inventory of educational materials from all different sources in Ontario has been grouped into four categories: primary-junior, intermediate, senior and French.

Thanks to the co-operation of the boards of education throughout Ontario, agriculture is once again becoming an active part of the school programs.

To promote the use of the materials which have been produced and compiled by the Ministry of Agriculture and Food, some 13 workshops called Ag Aware, Why Care? are being presented to teacher resource librarians at various locations around the province. Also, many local agricultural organizations are provid-



ing volunteer assistance to help implement the Agriculture in the Classroom program. For instance, local groups have been helping out by presenting professional development days for teachers across the province.

I think, as the member for Middlesex pointed out, we have a group here this morning that played an important role in that. In fact, one of the most interesting initiatives is being organized in my honourable colleague's riding by the Association for Food and Agricultural Awareness in Middlesex. It is called Adopt a Classroom; the idea is for local farmers to each adopt a classroom for a year, visiting the schools to explain their work as the seasons progress and then bringing the students out to their farms for tours. I think that is an important role that has been played and will continue to be played to get young people to the farms so they can actually see the changing of the seasons, the harvesting and that process which is very intriguing as our seasons progress.

So far, response to the Agriculture in the Classroom program has been good and the demand by teachers for the resources made available by the Ministry of Agriculture and Food has been growing.

In all of 1988, the ministry received 170 requests for their Agriculture in the Classroom videos; again, to the member for Stormont, Dundas and Glengarry. In 1989 there have already been 153 requests for the multiculturalism in agriculture kit alone.

This greater interest results in large part from the efforts of three professional educators who were seconded by the Ministry of Agriculture and Food from their teaching positions to help promote the agriculture in the classroom program.

**1150**

Other new initiatives and improvements to this program are now under consideration. The ministry will soon be presented with a final report from the agriculture in the classroom steering committee. This committee is composed of representatives from the education system, producer groups and agricultural organizations as well as the Ministry of Agriculture and Food and the Ministry of Education. So there is co-operation, perhaps for the first time on a major scale, between the Ministry of Agriculture and Food and the Ministry of Education.

The report will recommend priorities for the agriculture in the classroom program. I am sure the ideas discussed by my colleague the member

for Middlesex will play an important role in that report.

As I say, it is the commitment of the Liberal government of Ontario to establish the importance of the agriculture and food industry in the education of young Ontarians.

I would also like to take a moment to pay tribute to our marketing boards. Each year, many of them elect queens to represent them. I can think of the Dairy Princess, the Tobacco Queen and the Plowing Queen, who go from school to school representing various marketing boards and rural communities in our education system. They play a tremendous role in making those young people aware of what is really produced in rural Ontario and the good things we grow on our farms.

I would also like to inform the Legislature, in the last few seconds, how important agriculture and food are. When we look at the Third World countries where young people are starving because they cannot get access to the food because their government system does not permit that, it sure makes us feel satisfied that Canada and Ontario are good providers of that food, and we want to continue to do that.

**Mr. Hampton:** I want to speak in favour of this resolution. I think it is a very timely resolution and I want to address some of the reasons I think it is a most worthwhile resolution.

I just got off the phone from speaking with a former president of the Ontario Federation of Agriculture in my constituency. He is also a former farmer, because he came through the latest recession without his farm. In the midst of the last recession he had to file for bankruptcy. One of the things we talked about, momentarily, was the fact that farm organizations in the province have been pressing for the kind of action that is indicated in this bill for at least the past 10 years.

I can say to the member for Middlesex that it is a most important resolution. I am only sad to say that the government has not yet acted in this area, because it is a most important area.

There are all kinds of reasons education about agriculture ought to be integrated into the school program more than it is. Some of them are bound up, I would say, with our very survival. One need only look at the figures which illustrate the continuing loss of agricultural land, not just in Ontario but across Canada. In Ontario, we lose most of our agricultural land, unfortunately, to parking lots and industrial development. That still continues despite the fact that the issue was highlighted more than 10 years ago and that some

members of the government were here at that time and spoke eloquently on the need for some controls on that.

My family has some experience with the loss of agricultural land. Our experience dates back to the Depression when my grandfather had to leave Saskatchewan because his farm literally blew away. One of the things we have seen in northwestern Ontario in the last two years is a recurrence of the kinds of dirty clouds that occurred in the 1930s, as land in southern Saskatchewan and southern Manitoba indeed has suffered from wind erosion again. We are losing agricultural land not just to the developers but also to some poor farming practices.

I think one of the other things that would need to be emphasized in this kind of program is the whole issue of agriculture and the environment. Across the northwest of this province, many farmers have in fact spoken to the Ministry of Agriculture and Food and pointed out to the Ministry of Agriculture and Food the extent to which the greenhouse effect is already illustrating its presence across the northern part of the province. Our summers are warmer, our winters are shorter and we are not getting as much precipitation. It is an issue, I would say, we are all bound up with.

One of the other issues that I think needs to be addressed in any program that is envisioned by this resolution is the whole issue of agriculture and nutrition. In my constituency and in that of the member for Lake Nipigon (Mr. Pouliot), a number of farmers have struggled for some time to get a chicken quota, the need for a chicken quota in northern Ontario.

I remember not too long ago attending a federation of agriculture meeting. A couple of farmers pointed out that they thought they could produce chickens as cheaply as some farms in the United States. I produced an article for them that appeared in the *Globe and Mail* where it was pointed out that in fact a lot of the poultry that is produced in the United States is raised on a consistent diet of antibiotics because of the differing health regulations for poultry farming in the United States and Canada.

I wonder how many of us want to eat poultry that is stuffed or loaded with antibiotics. Perhaps the problem is we do not know it is loaded with antibiotics. Recently in British Columbia, for example, a dairy contracted with some dairy farmers to feed their dairy cattle a special type of feed that was loaded with a steroid type of hormone. The hormone increased the milk production a great deal, but not surprisingly,

when people found out they were drinking milk that was loaded with a steroid-type hormone, dairy sales fell off incredibly.

I think it is very fair to say that these kinds of things need to be integrated into the education system in our province. I think many consumers and many people would appreciate knowing more about the impact of agriculture on their lives and the likely impact of agriculture on their lives in the future if agriculture is not practised well.

Similarly, I think a lot of people would certainly be enlightened to know the degree to which people who live in the farm community in this day and age have to work very hard for wages and income which is not at all commensurate with the amount of work they put in.

I commend the member for bringing forward this private member's resolution. My only observation is that the government has been here for four years now; I would have thought it would have acted on this already, in view of the fact that the federations of agriculture have been pressing for it for the last 10 years.

**Mr. Speaker:** I believe the member for Middlesex reserved approximately one minute.

**Mr. Reyecraft:** I want to thank the member for Algoma, the member for Stormont, Dundas and Glengarry, the parliamentary assistant to the minister and member for Norfolk (Mr. Miller) and also the member for Rainy River (Mr. Hampton) for their contributions to the debate.

I also want to acknowledge the fact that I have received a number of phone calls from individuals and organizations over the last couple of days expressing their support for the resolution. Those messages have been appreciated.

I have also been advised that we have three representatives of the Perth County Women for the Survival of Agriculture in the Speaker's gallery who are here today especially for this debate, and I certainly want to welcome them.

I heard the criticisms. I want to say that I reject the accusations that the Minister of Agriculture and Food has not supported the Agriculture in the Classroom program. It seems to me that an increase in the staff from one to five and the appointment of a new committee address this in a very tangible way.

**Mr. Speaker:** That completes the allotted time for debate on the two private members' ballot items.

#### ACCESS TO BANKING SERVICES

#### ACCÈS AUX SERVICES BANCAIRES

**Mr. Speaker:** Mr. Morin has moved resolution 54.



All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the "ayes" have it.

Motion agreed to.

La motion est adoptée.

AGRICULTURE IN THE CLASSROOM  
PROGRAM

**Mr. Speaker:** Mr. Reycraft has moved resolution 56.

Motion agreed to.

The House recessed at 12:02 p.m.

## AFTERNOON SITTING

The House resumed at 1:30 p.m.

## MEMBERS' STATEMENTS

## DEVELOPMENTALLY HANDICAPPED

**Mr. Farnan:** Integration into the community means a more dignified and altogether richer life for developmentally handicapped adults, and this is made possible by the qualified people who act as counsellors.

The Minister of Community and Social Services (Mr. Sweeney) acknowledged this when he wrote to Pamela MacGregor in June 1988, stating, "I appreciate that you and your colleagues are committed to providing high-quality, effective programs to the people in your care." The minister also admitted, "Current turnover rates and morale problems make this a difficult challenge...and the current salary levels are too low to ensure a program of suitable quality."

We would all agree that the success of these community-based programs necessitates having dedicated and qualified staff. Yet in another letter to a community worker, David Wilde, in September 1988, the minister dismissed the problems faced by agencies which serve the developmentally handicapped by claiming, "A number of other sectors are in need of more urgent attention."

It appears that the integrated developmentally handicapped program holds a low priority for the Minister of Community and Social Services. How else can we explain why community counsellors receive significantly lower incomes than their institutional counterparts?

The government is delivering these community services on the backs of a very dedicated, overstressed and poorly paid group of professionals. This is a shame, and the Minister of Community and Social Services should move to address this issue.

## EASTERN ONTARIO

**Mr. Villeneuve:** The Liberal Party's eastern caucus will be gathering in Cornwall this weekend. Instead of the self-serving and undeserved praise—

Interjections.

**Mr. Villeneuve:** —as one can hear—the members of that caucus have heaped upon themselves for supposedly assisting Cornwall and eastern

Ontario, I want to point out that this government is indeed ignoring eastern Ontario.

A month ago, a survey revealed that Cornwall ranked 99th out of 100 cities across Canada in terms of average income. Only Sherbrooke, Quebec, was lower. I can also tell members that the situation in rural areas outside of Cornwall is even worse.

It is a shameful fact that the government of the richest province has failed to realize. The fact just has not sunk in. Whether the Liberals' eastern caucus or cabinet is to blame really does not matter. It is this government's responsibility to act, not to congratulate itself for something which has not even happened.

This government has failed eastern Ontario in more ways than I can outline in 90 seconds. Liberal failures in the Cornwall area include: not supporting the Mutual Aid Firemen's Association of Stormont, Dundas and Glengarry; endangering homemaker services; inadequate school funding; lack of rural development; not increasing needed road and unconditional grants; Ontario family farm interest rate reduction program cutbacks; abandoning seniors' non-profit housing; Sunday shopping; conservation authorities, etc.

If the Liberals want to congratulate themselves, they are doing it from either ignorance or arrogance.

## ST. CATHARINES CITY COUNCIL

**Mr. Dietsch:** Now for something more pleasant. I would like to take this opportunity to introduce to the honourable members of this House a few distinguished guests from the great city of St. Catharines, as well as constituents and friends of mine who are seated in the members' gallery to the west.

It has been my pleasure to have his worship Mayor Joseph McCaffery, Alderman Brian MacMullan and John Washuta, past-president of the St. Catharine's Grape and Wine Festival, visiting Queen's Park as members of the newly elected council for the city of St. Catharines.

We have spent the time today touring Queen's Park and meeting with the Minister of Municipal Affairs (Mr. Eakins) in order that we might discuss our mutual goals and concerns in a positive and constructive manner. Our meetings were productive and we look forward to continuing to work together over the next few years.



I ask all the honourable members of this House to greet his worship Mayor McCaffery, the people's mayor, Alderman Brian MacMullan and Alderman John Washuta with a warm Queen's Park welcome.

#### WORKERS' COMPENSATION

**Mr. Laughren:** A week ago in this chamber the Minister of Labour (Mr. Sorbara) accused me of distorting the facts in a matter of an injured worker from Gogama, Mr. André Petitclerc. The facts are that the Workers' Compensation Board denied Mr. Petitclerc benefits for chronic pain; that was appealed through my office to the Workers' Compensation Appeals Tribunal; using WCB criteria for chronic pain, they awarded benefits in October 1988, and on January 5 of this year the local Sudbury office denied benefits and suggested that Mr. Petitclerc could appeal the decision.

I raised the matter with the minister in question period and we had a special debate last week. The minister said, or at least implied, that the local office decision was inappropriate. Then, to my surprise, on Saturday, January 14, the district manager of the WCB office in Sudbury was quoted as saying that the Sudbury claim had not been denied, despite a letter that went to the injured worker, Mr. Petitclerc, on January 5, saying, "Therefore, consideration for entitlement to chronic pain disorder cannot be granted."

The minister does not know what the Sudbury office is doing and the Sudbury office does not know what the Minister of Labour is saying. This is a travesty on an injured worker and the Minister of Labour does not seem to take it at all seriously. Both I and Mr. Petitclerc are owed an apology by the Minister of Labour.

#### DISTRICT OF PARRY SOUND

**Mr. Eves:** It is with some regret that I rise in the Legislature this afternoon to talk about an issue that I thought the Premier (Mr. Peterson) had put to rest on June 9, 1988; that is, the matter of the district of Parry Sound being included in northern Ontario effective April 1 of this year.

I have in my hand a letter from the Minister of Health (Mrs. Caplan). I wrote on November 30, 1988, confirming that indeed the northern health travel grant program would be including all of the district of Parry Sound effective April 1, 1989. I have here a letter from the minister dated January 10, 1989, saying that will not be the case. I would like to know where the government's credibility is on this issue. This issue goes back to December 5, 1985, with the Minister of Health's predeces-

sor, the member for Bruce (Mr. Elston), at that time announcing the northern health travel grant program.

On December 13 I talked about that to the member for Bruce, the Minister of Health of the day, and he told me it would be reviewed at the end of that year. On February 12, 1987, I raised this issue in estimates with the Premier, as he was then doubling as the Minister of Northern Development. He indicated that he would review it at the end of the year.

On June 26, 1987, my first private member's resolution to have Parry Sound included in northern Ontario was passed unanimously by this House. I wrote again to the then minister on August 18, 1987. I had another private member's resolution approved by this Legislature, by this group of parliamentarians, again unanimously, on April 28, 1988. We had the announcement by the Premier and by the Minister of Northern Development (Mr. Fontaine) on June 9, and now we have a contradiction.

#### GENERAL TIRE CANADA LTD.

**Mr. Owen:** Yesterday the Premier (Mr. Peterson) announced a \$159-million modernization and expansion of General Tire Canada Ltd. in Barrie. It means the conversion to radial passenger and light-truck tire technology. It means Barrie's largest manufacturer will increase from 900 employees to 1,100 employees. It means a further move by Ontario into a solid position in the international automotive industry. It means bringing General Tire's Barrie plant in line with competitive tire plans worldwide. Barrie is grateful. Barrie acknowledges the co-operation and efforts of municipal officials in accommodating land and services.

Barrie acknowledges the initiative and enthusiasm of local General Tire management in persuading its Ohio and German executives. Barrie acknowledges the atmosphere of positive employer-employee relations which encouraged this investment. Barrie acknowledges the hands-on approach of the Premier, who personally met with local management as well as with officials of Continental in Europe and who, with the honourable Minister of Industry, Trade and Technology (Mr. Kwinter), brought these negotiations to a successful conclusion. The future of the tire industry in Barrie and in Ontario indeed looks bright.

**Mr. Speaker:** The member for Etobicoke-Rexdale, for about a minute.

## ARCHITECTURAL TECHNOLOGISTS

**Mr. Philip:** The Architects Act makes provision for making regulations to govern what acts can be done by persons other than registered architects. However, regulations have not been drafted in the area of practice for architectural technologists.

The architectural technologists have been in correspondence with the Attorney General (Mr. Scott) over the past several years in an attempt to get such regulations made, without success. More recently, they took it on themselves to draft proposed guidelines for themselves, including suggested amendments to the Ontario Building Code.

They have attempted to submit this policy document to the Attorney General, but his office suggested that the proposals are too technical for his consideration and has referred them to the council of the Ontario Association of Architects. This body has looked at the proposals and rejected them.

I propose that the Attorney General immediately meet with the technologists. Not to meet with the technologists on the grounds that the submission is too technical is to deny them an opportunity to an impartial adjudication under the act. The minister has the responsibility to ensure that the act is administered fairly to all interested parties. I urge the Attorney General to do so.

## TIME ALLOCATION

**Mr. B. Rae:** On a point of order, Mr. Speaker: There is in the Orders and Notices today a government notice of motion 20, which stands in the name of the government House leader. I will have a rather extensive argument to make that not only is this motion out of order but it is without precedent in our proceedings in this House; it has never been done before in this way.

I want to simply give you notice, Mr. Speaker, that I do not want to take away from question period but I do at the earliest possible opportunity after question period want to put some arguments before you as to why this motion should not even be allowed on the order paper let alone be moved.

**Mr. Speaker:** I understand that the Leader of the Opposition says he wishes to ask permission of the House to discuss a matter following question period. I suppose we will wait until the time when he makes that request.

**Mr. Ruprecht:** I rise to ask for unanimous consent of the House to make a special statement on the subject of Ukrainian Independence Day.

Agreed to.

## UKRAINIAN INDEPENDENCE DAY

**Mr. Ruprecht:** On behalf of the Premier (Mr. Peterson), the Minister of Citizenship (Mr. Phillips) and my colleagues in government, I rise for the purpose of recognizing January 22 as an important date in the history of freedom-loving people and with special significance to our Canadian citizens of Ukrainian heritage.

Permit me to introduce to the House a delegation of prominent members of the Ukrainian-Canadian community. Among them are Dr. Peter Hlibowych, president of the Ukrainian Canadian Committee, Ontario council; the Very Reverend Petro Bublyck, a representative of the Ukrainian Orthodox Church of Canada, and His Grace Bishop Borecky of the Ukrainian Catholic Church.

Today is the commemoration of the 71st anniversary of January 22, 1918, the proclamation of Ukraine as a sovereign democratic nation and of the unification of the eastern and western provinces of Ukraine into a single, independent state exactly one year later on January 22, 1919.

We who live in a democratic society do not always appreciate our good fortune. We take for granted our freedom of speech, of the press, religion, travel and, most important, the right not only to criticize but also to openly vote for the party of our choice.

The courageous determination of the Ukrainian people to regain this kind of freedom is a source of inspiration to all mankind and, having tasted liberty, neither the weapons of starvation nor prison walls could extinguish the torch of freedom and hope that has been resolutely passed on from one heroic generation to the next. I am convinced the rich heritage and proud tradition of Ukrainians will endure for ever.

Those who have come to Canada from Ukraine in search of freedom and opportunity since 1891 have made important contributions to the development of our province and country and to the enrichment of our culture. With their ethic of hard work and study, they have taken their rightful role as leaders in the professions, business, education, sport and government.

We admire the unbreakable spirit of optimism and hope of our Ukrainian friends. In spite of past tragic events, they have become a symbol to all freedom-loving peoples as torch bearers of democracy, torch bearers of people who justly want only to determine their own future and structure their own destiny.



It gives us great pleasure to extend our heartiest congratulations and best wishes to the thriving Canadian-Ukrainian community as we recognize January 22, 1989, as Ukrainian Independence Day and commend its observance to all the people of Ontario.

Finally, as Ukrainians follow the Julian calendar, they celebrate New Year's Day on January 14.

[Remarks in Ukrainian]

**Mr. Philip:** I have a statement on the same subject. Almost 50 years ago, on March 14, 1939, Carpatho-Ukraine was proclaimed an independent state. Although its independence was short-lived, it was the first country to mount an armed resistance to Nazi Germany and its allies. After the Second World War, all ethnically Ukrainian lands became part of the Soviet Union.

Ukraine is one of the founding members of the United Nations, and it and Belorussia, Ukraine's neighbour to the north, are the only two UN members that are not fully sovereign nations.

As our party's critic for Citizenship, I am proud to recognize the contributions of Ukrainians of Ukrainian origin.

The first major wave of Ukrainian immigration to Canada occurred between 1890 and 1914. Most of those leaving Ukraine settled primarily in rural areas.

The second major immigration occurred during the two world wars and resulted in settlements throughout the prairie provinces. Then, between 1947 and 1954, approximately 34,000 Ukrainians who were displaced by the Second World War arrived in Canada and many of them made their homes in Ontario. By 1981, 25 per cent of Ukrainians lived in this province.

Today, Ukrainians form a mature ethnocultural group. My colleagues and I in the New Democratic Party wish to join other members in indicating our deep appreciation for the contribution they have made to our national life, and we wish them well on this day.

**Mr. Cousens:** The Ontario Progressive Conservative caucus would like to join all members of the House today in recognizing this very special day. I am just sorry that the member for Burlington South (Mr. Jackson) could not be here, because his grandparents on his mother's side are Ukrainian. As the other honourable member did, he would have put a few extra touches to our remarks today.

In his absence and on behalf of our party, we too would like to share in marking Sunday, January 22, 1989, as a very special anniversary

for the Ukrainian-Canadian community and indeed for all Ukrainians, both in their homeland and throughout the world.

This day recalls the singular events over 70 years ago when the Ukrainian people experienced the long-awaited realization, however short-lived, of their dream of an independent state. This anniversary is therefore of substantial significance to all nations, especially here in Canada, where freedom is a cornerstone value and where tyrannical rule is opposed wherever it exists.

Ukraine held on to its vision of independence through many years of national repression at the hands of its enemy neighbours. This vision was continually kept alive in the hearts of the Ukrainian people by great military victories over the years.

The vision of Ukraine independence crystallized in the decided opposition to Russian autocratic rule. It was injected with new and vibrant life by the prophetic poetry of Taras Shevchenko in the 19th century, who reminded his fellow countrymen of the glories of ages past and of, as he wrote, "who (the Ukrainians) were, of whose parents children they were."

### 1350

The vision took on a new dimension in the early part of this century as the Ukrainian people saw in the ashes of crumbled empires their opportunity to assert their rights for independent statehood and then moved quickly and decisively to grasp it.

On January 22, 1918, the Central Rada Administration of Kiev issued its Fourth Universal, in which it declared the independence of the Ukrainian republic and its right to autonomous self-government. It declared that Ukrainians everywhere now had a homeland of their own and that they were no longer second-class citizens in their own country.

It was not long, however, before the Russian state moved to crush this young state. Ukrainian history since that time is a record of heroic sacrifice and determination in the face of staggering odds in defence of that vision of independent statehood and freedom, a vision which has neither died nor been wrested from the minds and hearts of Ukrainian people everywhere.

Ukraine will endure and Ukraine will be free again. January 22 will one day be greeted not only by statements in the governing houses of free nations around the world, but also by the ringing of bells from the churches of Kiev, of Lwiw and of Kharkiv.

The fundamental question before the Union of Soviet Socialist Republics is that of the right to national self-determination for Ukraine and all republics and satellites of the Soviet communist empire. That question has yet to be answered. The enslaved peoples of the Soviet Union eagerly await an answer, perestroika and glasnost notwithstanding.

## STATEMENTS BY THE MINISTRY

### PUBLIC SECTOR PENSION PLANS

**Hon. R. F. Nixon:** I want to report to the Legislature today on the completion of recent talks with representatives of the public service and teachers concerning their pension plans, as well as the government's future intentions regarding the plans' financing.

Members will recall that the government received three reports last year indicating serious financial problems with the automatic inflation protection benefits of the plans. During the fall, these matters, together with other possible reforms to the pension plans, were discussed in detail with representatives of teachers, public servants and other involved plan members.

The Chairman of Management Board (Mr. Elston), the Minister of Education (Mr. Ward) and I met with these individuals and appointed our own representatives to work with the key interest groups. I would like to give members some additional background on these talks.

Prior to 1976, the teachers' and public service funds were designed to be fully funded by contributions made in equal amounts by the employees and the government. In reality, however, full funding was not always achieved and the government, as plan sponsor, contributed additional amounts when deficits occurred.

The high inflation rates of the mid-1970s made life particularly difficult for retired persons. As a result, in 1975, the Ontario Legislature enacted a bill that gave 100 per cent inflation protection to teachers and public servants, for both those who were already retired and those still working.

Although inflation protection was applied retroactively in 1976, it was determined that no contributions would be sought from employees to pay for the inflation protection extended to benefits already earned. In other words, those were a charge against the consolidated revenue fund and they remain so today.

The legislation created separate superannuation adjustment funds for teachers and for public servants. The funds were based on matching contributions by the government and the employee of one per cent of pay. It was intended that the

money going into these two funds, plus the interest earned, would cover the benefits for retired plan members as they become due. It was understood at that time that the matched contribution rates would eventually have to rise.

As long as the contributions to the superannuation adjustment funds from people working, taken together with the investment income, are larger than the indexation benefits paid to retired plan members receiving benefits, the funds are essentially solvent. However, our situation today is much different than in 1975. The number of retirees has significantly increased relative to the number of current contributors. The growth in the number of retirees will continue to outpace the growth in the number of contributors.

Looking ahead to the turn of the century, future taxpayers and contributors will face a rapidly deteriorating financial situation. Only two options will then exist: diminishing benefits or significantly higher contribution rates.

The question we face is whether to wait or act now. Financial experts believe that if a benefit is earned now, it should be funded now. Deferring the pursuit of full funding at this time would, in my view, be a serious mistake.

When I became Treasurer, I was made aware that the existing funding arrangements were inadequate and could not support continued 100 per cent inflation protection since the adjustment fund would run out of money within 20 years.

Both the Rowan and Coward pension reports of last year found that the cost of paying for inflation protection was being unfairly left for future generations of plan members and taxpayers. Both reports also recommended that the adjustment funds be merged with the basic pension fund since a pension is, in reality, one benefit. In addition, they proposed that the pension money be placed in diversified market investments rather than only government of Ontario securities and deposits, in order to earn a higher rate of return.

Given the potential impact of the Rowan and Coward recommendations, Dr. David Slater was asked to gather public comment and reactions. He concluded that current contributions and the resulting investment income are insufficient to secure full indexation of benefits. One of his key proposals was to make teachers and public servants full partners and joint trustees with the government both in administering the plans and in the sharing of future risks and rewards. I agree that this would be a preferable arrangement and this offer has been made to union representatives.



I also strongly believe that fiscal responsibility requires that our pension plans be placed on a sound financial footing, and soon.

The challenge now facing the government is to find a resolution to the pension issue that is both fair and fiscally prudent. To wait until the adjustment funds are exhausted would be unfair to the public servants and teachers involved. It would also be unfair to Ontario taxpayers.

The government has a serious commitment to these public sector pensions, both from a financial and moral standpoint. Even before any necessary adjustments are made, the government is contributing \$750 million to these pension funds and directly to pensioners in this fiscal year alone.

We are also aware of the very human aspects of the pension issue. We know the practical concerns people have regarding pensions, most particularly when they have worked and contributed to these plans with the expectation of full inflation protection.

Throughout the process of research, opinion gathering and discussion, our aim has been to secure the benefits for a group of people who have made their contributions in good faith. Hand in hand with this was our goal of not imposing any undue additional burden upon Ontario taxpayers.

The government's representatives on the working group have prepared a package of proposals that I believe would significantly reform the operations of public sector pensions. Unfortunately, those representing the largest number of employees and teachers did not find our proposals acceptable.

On the financial side, these representatives could not accept the increase in the matching contribution rates which, in our judgement and the judgement of recent pension studies, were necessary. At the same time, they also sought significant benefit improvements. Because of the financial commitment necessary to secure the existing benefit package, further improvements cannot be considered at this time.

The unions also wanted all pension-related decisions to be subject to binding arbitration. Billions of dollars are at stake in the management of these funds. As a matter of fact, this year it approaches \$20 billion. We were willing to decide these matters as partners or even to discuss turning the funds over to plan member management, subject to the normal regulatory controls. What we could not agree to do was to abdicate our responsibility to both taxpayers and plan members by allowing such decisions to be

made by a third party. We therefore could not agree to binding arbitration.

As a result, full partnership in the conduct of our pension arrangements is not possible at this time. However, I invite employee and teacher representatives to continue their involvement in this important area in the form of a more limited partnership for now. The legislation we hope to introduce this spring will keep the options of full partnership and member management open for the future.

I believe the legislation we plan to introduce will provide a solution to the financial problems without imposing an onerous burden on either plan members or the government. The pension benefits of our teachers and public servants are among the best in North America. These same benefits will be more secure when we take the steps necessary to fund these plans properly. The major principles on which the legislation will be written include:

#### 1400

1. The government will continue to act as sole sponsor and guarantor of the funds for now, on the understanding that future contribution rates will fully fund future benefits.

2. The plans will be fully funded and merged, so that there will be a single fund for Ontario's teachers and a single fund for the public service.

3. The pension funds will be permitted to invest in marketable securities.

4. Full, 100 per cent inflation protection for all teacher and public service plan members will continue, as will the existing level of benefits.

5. To sustain the funding of future benefits, public servants and teachers will be asked to contribute about an additional one per cent of their pay. This increase is based on the future investment of the funds in the capital markets.

6. The government will match these contributions and fund the current deficits in the two merged funds.

7. The legislation will contain the improvements brought about by Ontario's pension reforms.

I emphasize today, as I did to the Legislature last year, that pensions for people who have already retired would not be affected; nor would retirement benefits that have already been earned. We can now say that the security of those benefits will be enhanced.

I have no doubt that resolving these issues now is far preferable to waiting until the problem becomes even more acute. Fiscal responsibility demands that we do not leave a massive burden to

be paid by future generations of employees and taxpayers.

### WORKERS' COMPENSATION

#### INDEMNISATION DES ACCIDENTS DU TRAVAIL

**Hon. Mr. Sorbara:** Last June I introduced in this House a bill to amend the Workers' Compensation Act.

That bill, Bill 162 as members know it, proposes a number of significant changes to the workers' compensation system in Ontario, notably the means of compensation for workers who in the future suffer a permanent partial disability as the result of a workplace injury. Those workers will be entitled to a dual award: compensation for any wage loss associated with the impairment and compensation for the impact of the impairment on everyday life. Bill 162 also, for the first time in this province, places a clear obligation upon employers to continue the employment of injured workers.

As well, the bill will require the provision of needed vocational rehabilitation services on a timely basis.

Bill 162, as I said last June, will result in a much fairer and more effective compensation system.

Dans les six mois qui ont suivi la présentation du projet de loi, des travailleurs blessés, des groupes de travailleurs, des employeurs, ainsi que les membres de cette Assemblée, ont eu l'occasion de prendre en considération et de faire part de leurs commentaires quant au contenu de ce projet de loi. J'ai également eu l'occasion de rencontrer de nombreux groupes partout dans la province afin de discuter de leurs soucis.

Those discussions which I mentioned have been most helpful. They have confirmed my view that the reform principles contained in Bill 162 are correct and will result in better workers' compensation in the province. I have listened carefully to what has been said and, as a result of those discussions, I believe certain amendments to the bill are necessary to ensure that our original objectives are achieved.

The government will bring forward amendments to the bill during clause-by-clause consideration. However, today I would like to announce some particular changes that we will be proposing so that members of this assembly and Ontario workers and employers are aware of them before the commencement of the standing committee on resources development's consideration of the bill.

We propose to amend the bill to give injured workers, for the purposes of determining the degree of impairment resulting from an injury, an opportunity to choose between utilizing a Workers' Compensation Board-appointed physician or one selected by the worker from a government-appointed roster. This change responds to concerns which have been expressed regarding the importance of an impartial determination of this important matter.

We also propose to enable either an injured worker or an employer to appeal the WCB decisions with respect to noneconomic loss to the Workers' Compensation Appeals Tribunal. Ce changement permettra au tribunal d'appel de prendre en considération tous les éléments d'une demande d'indemnisation, incluant le degré d'incapacité résultant d'un accident survenu au travail.

Also, we will bring forward amendments to enable either an injured worker or an employer to appeal WCB re-employment decisions to WCAT. This change will ensure that all the provisions contained in Bill 162 may be referred to WCAT.

These modifications to the bill, I believe, will reinforce the central principles and thrust of Bill 162. They will help us achieve our desired result: a more effective, efficient and fair compensation system for injured workers and for their employers.

I look forward to the resources development committee's consideration of the bill and, in particular, to the presentations of interested parties across this province. Of course, I look forward to third and final reading of the bill later this year and its subsequent implementation.

### RESPONSES

#### WORKERS' COMPENSATION

**Miss Martel:** I want to respond to the statement made by the Minister of Labour (Mr. Sorbara) today. It is obvious to me that the heat is on and that the government is starting to recognize how badly flawed Bill 162 really is. What we see in the House today is the minister responding defensively to much of the opposition and the campaign that has been mounted across the province against this bill.

The changes that he proposes today really involve minor tinkering with a bill which is so badly flawed it should be thrown out so we can start again. In terms of the Workers' Compensation Appeals Tribunal, everyone on this side recognizes that it had to come. He could not have an independent appeals tribunal and then deter-



mine which issues could or could not be sent to it. It would have been thrown out in the courts at some point in time.

Second, there is no role for the family physician in terms of pensions. All that is stated here is that injured workers may either choose from a government roster, which is a Workers' Compensation Board roster, or choose a doctor suggested from the compensation board as well. There is no impartiality there at all. There is no role for the family physician. Workers have been demanding that for months now.

In terms of the process of consultation, let me go back to what the minister said, that after the consultation, these discussions "have confirmed my view that the reform principles contained in Bill 162 are correct and will result in a better workers' compensation system. I have listened carefully to what has been said...."

If the minister were listening at all to what has been said on this bill, he would know that the New Democratic party, the trade union movement and injured workers' groups and clinics have said this bill is so bad it should be thrown out. It has to be stopped. It cannot be accepted at any cost and certainly not accepted with the amendments proposed here today. That is because the most obscene parts of this bill still remain and have not been revised by the minister today.

In terms of pensions, we absolutely do not want to have the dual system that the minister has proposed. It allows for deeming of injured workers. It is completely unfair. It results in a reduction in their benefits and their rights. In terms of reinstatement, there has been no statement on how the construction industry will be protected; 373,000 workers in this province have no rights. For twenty per cent of the population in private industry where the establishment has fewer than 20 employees, there are still no rights. We have 25 per cent of the population unprotected under this bill.

If I go to rehabilitation, the main concern we raised on this side was that there was no statutory obligation on the part of the board to provide rehab services. The minister has said nothing about this today. That was a crucial point raised by Majesky-Minna and he has not responded at all. I will say to the minister here today that if he thinks this changes our minds, he is far wrong. We will continue to fight this bill and have this bill stopped.

**Mr. B. Rae:** The ground is quickly collapsing under the minister's feet.

I do want to respond—

Interjections.

**Mr. Speaker:** Order. Would the member for London North (Mrs. Cunningham) allow the Leader of the Opposition (Mr. B. Rae) to speak.

#### PUBLIC SECTOR PENSION PLANS

**Mr. B. Rae:** I want to respond to the announcement of the Treasurer (Mr. R. F. Nixon) today. I do not think he has been entirely fair. In fact, I do not think he has been fair at all to the position that has been taken by those on whose behalf pension money is being invested.

Let's examine what the Treasurer is really saying. What he is saying is that after the reports that he has described, he went to the teachers and he went to the union of public employees and said, "Look, we want to engage in an equal partnership with you because you put your money in and we put our money into this fund, which is very substantial in terms of the moneys involved, and we want to establish an equal partnership."

1410

What is the Treasurer saying today? He is saying that the government will unilaterally determine how much money is going to be contributed by members of the plan. He is saying that if there is a disagreement, even on actuarial grounds, as to what is necessary or fair to put into that plan, that is to be determined by him and by the government of Ontario. He is saying that if there is any disagreement as to how much money in fact is really in the plan and how much money is surplus, that is going to be determined by the government of Ontario. He is saying this is his definition of some kind of partnership.

If there were going to be a partnership between people acting as trustees of a plan, he would have a very simple contractual understanding that if there is to be a disagreement between the people who are contributing their money—let's not forget that teachers and public servants are putting their money in just as much as the government is putting its money in—surely to goodness, the people who are putting that money in—that is to say, the government and the teachers—are entitled to some kind of third-party resolution of those differences when it comes to asking, "What is the state of play with respect to the plan?"

This is no substantive change from the old Tory plan, in which the government took from public employees—

**Mr. Speaker:** The member's time has now expired.

**Mr. B. Rae:** —and took from teachers and decided unilaterally on its own how much money it was going to hand out.

**Mr. Speaker:** Order.

#### WORKERS' COMPENSATION

**Mr. Sterling:** I would like to respond briefly to the Minister of Labour (Mr. Sorbara).

We find it somewhat bemusing that the Minister of Labour would introduce proposed amendments to Bill 162 at this point in time. By the very fact he has taken this step today, he has shown this Legislature and the people of Ontario that this bill is seriously and badly flawed.

Even this minor step would not have occurred had the opposition parties not insisted that this Bill 162 have public hearings. It was the intention of this minister and this government for some period of time to keep Bill 162 away from the members of the public. Over the next two or three months, members of this Legislature, through the committee hearings, will have an opportunity to have public input.

I do not know if this is part of the Minister of Labour's strategy to cut off debate on this legislation, as has been done on Bill 113 and Bill 114 regarding Sunday shopping. We only hope the minister dealing with these very important bills we have been talking about in the last few days, Bill 113 and Bill 114, and the government, will finally come to their senses, listen to the opposition, listen to the public hearings they have had over the past 39, 40 or 50 days and make some serious amendments to those pieces of legislation as well.

#### PUBLIC SECTOR PENSION PLANS

**Mr. Runciman:** I want to respond to the statement by the Treasurer (Mr. R. F. Nixon) and indicate that at first blush in any event, it appears that for a change the government is exercising some fiscal responsibility in the way it is addressing the situation. It is regrettable it would not show the same degree of responsibility in other areas of government.

At the same time, we regret very much the breakdown in talks between the government and the employees and teachers. We think the comment in the Treasurer's statement with respect to keeping options open, that legislation will be introduced this spring to keep options of full partnership and member management open for the future, will not suffice. We want to urge the government and the Treasurer to do whatever is necessary to immediately reopen the discus-

sions and negotiations with teachers and with its employees.

The Treasurer has indicated the government's relationship with employees and teachers is extremely important. He has to indicate that through much more than rhetoric. We have to see some action on his behalf to reopen those discussions.

I have some high degree of comfort with the fact that the arrangement does indeed guarantee the existing benefit levels will continue. It also guarantees the 100 per cent inflation protection. I think when they talk to most Ontarians with respect to the pension benefit levels of the public service and teachers, representatives of the government will indeed recognize that this is perhaps a step in the right direction.

I think one of the things the government, and we as legislators have to address in the coming years is the large number of Ontarians who do not have any inflation protection whatsoever. They are the people who perhaps this Legislature and this government should be looking towards in terms of providing some form of protection for them in the future.

**Mr. Brandt:** Mr. Speaker, I would like to ask the House for unanimous consent to pay tribute to a member of this House on the occasion of his 27th anniversary.

**Mr. Speaker:** Just before I do that, I will say that completes the allotted time for ministers' statements and responses.

There is a request for unanimous consent by the member for Sarnia. Is it agreed?

Agreed to.

#### MEMBER FOR BRANT-HALDIMAND

#### LE DEPUTÉ DE BRANT-HALDIMAND

**Mr. Brandt:** There are some who would perhaps like me to identify the member in question and there are others who perhaps know who it might be. It is the member for Brant-Haldimand (Mr. R. F. Nixon).

Not only is it the 27th anniversary of the member for Brant-Haldimand, but when one looks at the historical record of this province and adds the time served very faithfully and well not only by the current member but also by his father, the sum total of years spent on behalf of the people of Ontario by way of representation from that riding, under its various names over the years, is some 70 years. I think that is outstanding.

I might add, as an aside to the Treasurer, that I recall the remarks of one of the candidates,



representing the Liberal Party, who ran against me in the last election, indicating that since I had been in this House since 1981, I should not intend to make a long-term career out of it and that perhaps I should move aside and let others represent my riding. Quite obviously, I am very much a neophyte compared to the Treasurer in terms of service to this House. I do want to pay tribute to him on behalf of our party for his long and distinguished service.

I think it is fair to say there are few Ontarians who know this province as well as the Treasurer does and who have worked as hard in their own way to bring this province to a higher quality of life and a better standard of living. The Treasurer does go back a long number of years, as I have indicated by the anniversary we are celebrating. As I understand it—some of the newer members of the House may be interested in knowing this—the Treasurer actually goes back to the day when those holes in the members' desks actually contained inkwells. That will give them some indication of the rather substantive time frame we are talking about.

**Mr. Sterling:** Did they have feather pens?

**Mr. Brandt:** Yes, they did have feather pens in those days and I think the Treasurer indicated in previous speeches that he used those pens.

I want to say, again on behalf of my colleagues, that we have listened over the years with great interest to the Treasurer and the sage advice he has offered to us, not only as the Treasurer and the Deputy Premier of this province but more particularly going back through the years to the time when he was in opposition, when this House used to be filled with those of us who listened to the speeches that used to ring the very walls of this hallowed place as he suggested to us various ways and means of improving from this province. I have just a few snippets from those speeches, if I might.

I say this by way of acknowledgement of some of his fine comments. I remember a speech that went on at some length about—let me see—the regressive and inflationary nature of sales tax increases. That was one that stuck with me. That was a good speech. I remember that one. That particular speech stuck with me to such an extent and had such an impact on my colleagues that we immediately join with the Treasurer of today and say that we too feel that kind of move would have been inflationary and regressive. That is why we say to the Treasurer that we listened very carefully to his comments.

On a very serious note, though, I want to add the personal thanks of our party to the Treasurer for having served in opposition for so long. It was the Treasurer himself who used in the old days to cry for—as I recall, one of his campaign platforms in the very old days was, "A time for a change." It has a certain ring to it that I might in fact use at some future point in dialogue with the people of Ontario.

But I do say to him that after 20 years of very solid and very substantive service to the people of this province, we acknowledge his contribution and the contribution of his father in making this a better place for all Ontarians to enjoy.

**Mr. B. Rae:** I welcome the opportunity to participate in this filibuster, because I have a lot of things I want to say about my good friend the member for Brant-Haldimand. I think it is entirely appropriate we take a few hours from the middle of a busy debate to focus on this midway point in the career of my good friend the Treasurer.

I just want to say quite simply on this occasion that we all have some very profound differences of opinion on issues. We all come from our little platoons, and some platoons are littler than others when it comes to representing our constituents and our point of view.

I can recall when I first came into this place and was sitting somewhat farther down in the aisle. The Treasurer had been in opposition for many, many years and he, I think it would be fair to say, approached my arrival with a degree of scorn and derision that has never entirely left me.

Over time, I have had occasion to chat with the Treasurer about life and politics in this province. I know I am speaking for all my colleagues—I am certainly speaking for myself—when I say that I do not think there is any parliamentarian I have encountered, either here or in another place, for whom I have more affection and respect than the member for Brant-Haldimand. He is a model of straightforwardness in response to questions in the House. He even admits when he does not know what the answer is.

**Mr. Breough:** All the time.

**Mr. B. Rae:** I was going to say which is more often than not. I think all of us have a lot of time for the kind of dedication and approach he takes to the public business of the province.

We have our differences and I think we have had a chance today to see just what those differences are. But again, if I might say so, a relatively straightforward approach from the Treasurer is when he sits down with the teachers and the unions and tries to get an agreement, and

if the talks completely collapse, he goes off, as we all did, to the reception that was given by the teachers last week and listens to all the arguments about pensions, blithely ignores them, brings in the legislation and then is prepared to have a discussion and a debate without once losing his temper or showing even the slightest sign of being ever out of sorts or even moderately grumpy, as my daughter would say.

J'aimerais, en cette occasion du 27<sup>e</sup> anniversaire — et à la mi-temps dans la carrière du trésorier, dire combien, dans notre parti, nous apprécions ses efforts et sa contribution.

J'ai rencontré beaucoup d'hommes et de femmes de tous les partis au cours de ma vie politique, mais il n'y en a pas un pour qui j'ai l'affection et le respect que je lui porte. Je suis heureux de prendre le temps de l'exprimer aujourd'hui en Chambre de la part de mes collègues et de notre parti.

**Hon. Mr. Peterson:** We are engaging in a little sanity for the first time in the last few days in this House. I thought maybe I should rise on behalf of my colleagues—

**Mr. D. S. Cooke:** How would you know? You haven't been here.

**Hon. Mr. Peterson:** I want to say that I understand the Leader of the Opposition standing in this House and expressing his great affection and respect for the Treasurer. After all, when you look at his colleagues, he does not have much to choose from over there and I can understand him looking to a Liberal as being the object of both his affection and respect.

I understand when the member stands in this House and says there are great differences between the Leader of the Opposition and the Treasurer, and the differences are that the Treasurer is always right. I will not get into those differences today except to share in this testimonial to the Treasurer on his 27th anniversary.

There is probably no person I know in the world for whom I have participated at more testimonial dinners and speeches than the honourable member to my right. When he has had such a varied, full and checkered career as he has in so many different capacities, there are always those who want to stand and admire him and express their affection, gratitude and respect for him. I have done that on many occasions and I look forward to doing it for another 27 years in this House as he completes his full mandate.

When the leader of the Conservative Party talks about 70 years of this dynasty of the Nixon family, it sounds almost undemocratic, but I want members to know that he has four children

and several grandchildren, so if members are smart, they would not even bother the family. This seat is passed on like the Queen's mace right down the family in perpetuity and so it shall be.

I just want to say—

**Mr. Wildman:** Do you mean we're going to have more Nixons to kick around?

**Hon. Mr. Peterson:** My guess is that the question is, are the Nixons going to have the member to kick around? I would think that is the real question that has to be asked.

I could speak at great length about the Treasurer and how important he is to this government. I will not do that today. Let me say that I think what is more important is how important he is to this parliament. It has consistently been his major role. There has been no member in or out of government who has consistently shown more respect for this parliament, who has ennobled its traditions, who has maintained this as the centre of democracy, who shows his incredible respect for this House by the time he has spent here, both in government and in opposition and by the enormous contribution he makes on all subjects.

This is not a one-dimensional man by any respect. This is a man who understands the—

**Mr. Breaugh:** He is very well-rounded.

**Hon. Mr. Peterson:** Mr. Speaker, you understand those guys just cannot be gracious for very long. As much as their higher instincts came out, they are incapable of being nice for more than 30 seconds. We on this side of the House could go on for ever. My guess is this is a far more productive discussion than one we may have later on this afternoon, and far more enjoyable.

I just want to say to my dear friend Bob Nixon that he has ennobled this sometimes despoiled profession we all practise. He has maintained great integrity and respect from all throughout his career, and for that we have all benefited. Every member has benefited personally and this system has benefited enormously. We all owe him a great thanks for that.

**Hon. R. F. Nixon:** One of the lessons I should have learned by now is not to speak when I do not have anything to say, but I do want to thank my friend the Premier (Mr. Peterson) and my friends and colleagues in the opposition parties for their kind remarks.

**1430**

I owe more to the Leader of the Opposition (Mr. B. Rae) than probably anybody else in the advancement of my career. In that connection, I



will be eternally in his debt. That is why I can listen to his diatribes without being too upset, because it was due to his decision, essentially, that I am here and he is there.

One of the lessons I am sure all of us have learned is that the time goes very quickly. I would almost add "when you are having fun," but I think that is not quite the appropriate phrase. Certainly one thing I am convinced of is that service in this Legislature is worth while, for many obvious reasons, but the one that is most important is the friendship and the exchange of views that mean so much to us as individuals, which is what life often boils down to.

I thank all members for their best wishes, and I look forward to receiving them on many occasions in the future.

## ORAL QUESTIONS

### HOSPITAL SERVICES

**Mr. B. Rae:** I would like to address a question to the Minister of Health. I wonder if the minister can tell us whether she knows how many beds are now closed in hospitals in Metropolitan Toronto which were also closed during the summer. Can she tell us how many beds are still closed now in Toronto?

**Hon. Mrs. Caplan:** Specific numbers and details are available through questions in Orders and Notices. On the spur of the moment, at this time, I do not have a specific number available.

**Mr. B. Rae:** I have contacted the Hospital Council of Metropolitan Toronto, which has just finished a survey of Toronto area hospitals. The Ontario Hospital Association is also conducting a survey of all the hospitals across the province, but those numbers are not yet available.

I would like to tell the minister that there are now 1,100 beds which are expected to be closed between now and the end of March. Most of these are beds which were closed for the summer, have never reopened and are not planned to be reopened. They may not even be reopened as we head into a new fiscal year starting in April.

Does the minister not realize the human cost in terms of delays, closed emergency departments, delays in getting treatment, delays in getting care, surgery that is cancelled, surgery that cannot be provided? Does she not realize this is now not just an issue affecting heart patients or people requiring hip replacements or people who need cancer treatment and who are not getting it in as timely a way as they might otherwise because of these kinds of problems? Does she not realize this is a systemic problem right across this part of Ontario and indeed all of Ontario?

**Hon. Mrs. Caplan:** I would say to the Leader of the Opposition that the practice of medicine has changed dramatically in the past decade. We know that many services which previously required inpatient care can now be provided on an outpatient basis.

I have been told by medical planners, physicians and health policy analysis people that beds are no longer the benchmark for services provided. For example, in cataract surgery now, some 70 per cent of those operations are provided on an outpatient basis. We used to have one person in one bed for five days. Now we can have five people treated in one day on an outpatient basis.

The allocation of resources to improve services and enhance them on an outpatient basis in the community, an expansion of community-based services, will free up the hospitals to do what they do best, which is what requires inpatient services.

I want to make sure that everybody always has access to the care he needs as soon as possible, but I want him to have access to that service in a variety of locations and places as close to home as possible as well.

**Mr. B. Rae:** The minister is going to have a hard time explaining that answer to all those patients and all those people. The reason for the closure of 1,100 beds in hospitals since last summer is not because cataract surgery has suddenly been revolutionized. That has nothing to do with it. It is because there is a nursing shortage, because they do not have the staff and they do not have the money to pay the staff.

As the minister is saying that this is all part of some grand plan she has, can she tell us if it is part of the ministry's grand plan that ambulance drivers should be driving around the city trying to find an emergency ward that is open? Is it part of the grand plan of this government that on Monday night of this week there would be emergency wards closed right across this city? Is that part of the ministry's grand plan for the protection of life and the advancement of health in Ontario?

**Hon. Mrs. Caplan:** The Leader of the Opposition does not fairly categorize this situation. I have been assured that all patients requiring emergency care are receiving that care. The Hospital Council of Metropolitan Toronto service, which identifies where services are available, directs patients to them as quickly as possible. We know there are times when the system is under stress, but I agree with the comments made by Dr. Bruce Rowat, chairman

of emergency medicine at the University of Toronto, when he says that the problem of emergency departments in this province is not an emergency room problem but an institutional problem. Existing resources have to be better managed, because under the current system precious health care dollars are being wasted. I agree with Dr. Rowat that what we need is structural change. That is what the registry system is all about and we are working together to make it work.

#### BREWERY MERGER

**Mr. B. Rae:** I have a question for the Premier. I wonder if the Premier can tell us how much advance notice he had of the announcement yesterday affecting the amalgamation of Carling O'Keefe Breweries and the Molson group into the formation of this new single company brewing in this province as well as across the country.

**Hon. Mr. Peterson:** I read it in the paper yesterday morning. I was not aware of it prior to that. The players came in to see me after the announcement was made, because I could not arrange a meeting earlier in the day. I think perhaps the Minister of Industry, Trade and Technology (Mr. Kwinter) met with them beforehand.

**Mr. B. Rae:** Is the Premier in a position to tell us or tell any of the workers who may be involved, because there are three large plants in this province which operate and which, according to the information available, may well be affected by this announcement: Has the government received any advance notice from the companies in terms of the plans they now have for these breweries and for the hundreds, indeed thousands, of workers who depend for their jobs on the existence of these breweries?

**Hon. Mr. Peterson:** I have no specific plans or forewarning of how the rationalization will occur. They have announced a rationalization, as my honourable friend knows. I believe there are 17 breweries involved in the two companies. They will be merged and rationalized somehow or other. The details of that I do not know, nor do I know over what course of time that will take place.

**Mr. B. Rae:** This is really a rather shocking state of affairs. I hope the Premier would recognize that when decisions of this kind are made in corporate headquarters through the decisions of various corporation presidents and moguls and their financial backers, surely the workers on the line and the government whose

job it is to protect the interests of those workers have to receive advance notice, have to be informed, and have to be told and protected against the costs of these changes.

Why do we not yet have a set of laws in this province which will require the kind of notice and the kind of the justification and give the kind of protection to workers in this province which is surely a critical feature of a civilized society that is now facing tremendous industrial change?

**Hon. Mr. Peterson:** One of the things that was said, and I do not know the rationalization plans of the breweries, is that if and when they do make these decisions they want to inform the workers first, in the various places around Canada, wherever that takes place.

Obviously the member can criticize the legislation, but I think the Minister of Labour (Mr. Sorbara) has said to him that we have in this regard, notice and severance, the most advanced legislation in North America; that reasons have to be filed, they have to work with the labour force. Those kinds of things are in place. So I tell my honourable friend to look at the legislation and compare it to other places. It is some of the most progressive legislation in the country.

1440

#### TIME ALLOCATION

**Mr. Brandt:** My question is to the Premier and it is with respect to Bills 113 and 114. As the Premier is aware, there has been some discussion in committee on Bill 113 and very little discussion on Bill 114, which in effect is before the House at the moment and has caused some disagreement among the various parties in connection with how we are to proceed.

I want to ask the Premier if he would perhaps consider, in order to give members, including members of his own party, an opportunity to express their views and to put their positions on the floor of this House in connection with that bill, referring the matter relating to the time allocation motion that was presented by his House leader to the House leaders' panel to see if in fact we can break the current impasse between all of the parties by having the House leaders take another run at resolving this issue, if it is at all possible.

**Hon. Mr. Peterson:** Mr. Speaker, may I refer this to the House leader?

**Mr. Speaker:** It has been referred to the House leader.

**Hon. Mr. Conway:** As the honourable leader of the third party knows, the House leaders meet



on a regular basis to discuss this and other matters of legislative business. We have discussed the progress of these two bills, Bills 113 and 114, on a number of occasions over the last number of months.

As the leader of the third party will know, these two bills have now enjoyed something like 60 days of legislative debate. I cannot think of too many other matters of public business that have attracted that kind of debate.

The standing committee on administration of justice spent weeks travelling around the province listening to a number of submissions. My colleague the Solicitor General (Mrs. Smith) has accepted many amendments to respond to the constructive criticism put forward by the committee and by the public.

Certainly this morning at the House leaders' meeting, I indicated the government's desire—after 60 days of debate, after months of public consultation—to now move these two bills on to the next stage of debate so that we can continue a good dialogue and bring all of this to an orderly conclusion.

**Mr. Brandt:** The House leader talks about 60 days of debate. Even he, I think, would concede that with respect to the 60 days of debate, the very large percentage of that was made up of people from across this province making submissions to the committee, not debate in the truest sense of the word as we would have it here in this House. It was entirely different.

I would like to remind the House leader—and I am glad the Premier referred the question to the House leader, because it was back in 1982 when the House leader stated with respect to a proposed time allocation motion:

"We are locked in a deep and difficult deadlock, out of which there must be some escape. Let me say...I would like very much to see the resolution of this deadlock by means of the framework we have evolved here...namely, the House leaders' panel."

I ask the House leader again: Will he take the very words that he spoke in 1982 and will he take the very advice that he offered all of his colleagues in this House and will he, as a member of the House leaders' panel, go back and see if he can negotiate a resolution of the current deadlock?

**Hon. Mr. Conway:** Two things to my friend from Sarnia: First, I do not know where he has been, but I can tell the member for Sarnia that I have listened. I have listened to the submissions to the justice committee made, for example, by members like his distinguished colleague the

recently elected member for London North (Mrs. Cunningham) and the senior member for Durham East (Mr. Cureatz), to name but two members of the third party who have talked and talked and talked, as not even I could imagine myself talking in a committee.

Interjections.

**Hon. Mr. Conway:** I say, furthermore, if he had not heard those submissions, he ought to have heard what the member for Etobicoke-Rexdale (Mr. Philip) and the member for Cambridge (Mr. Farnan), for example, have had to say over the hours of their sometimes remarkable testimony and contribution to the standing committee on administration of justice. Members have had an enormous amount of time and sway in which to make their case.

Secondly, I make the point to the member for Sarnia (Mr. Brandt), the leader of the third party, that I have made a specific offer to my colleague House leaders. To be fair, the House leader for the third party was prepared to entertain it, but the New Democratic Party, to be fair, consistent with its publicly advertised position of, "Let's obstruct and delay these bills in every way and at every turn," said, "No deal."

So I have tried. I have made an offer but the obstructionists have done what they said they would do.

**Mr. Brandt:** Let me say again that I am pleased that the question was referred to the House leader because it does give us all an opportunity to hear the rhetoric of the House leader as it pours forth so easily and, of course, makes such little sense.

I want to ask the House leader, when he talks about the contribution made by various members of this House in connection with this debate, is the House leader aware of the fact that there are fully 58 members of his own party who have not yet spoken one word in committee or in this House on either Bill 113 or Bill 114? Fully two thirds of the entire Liberal caucus are not on the record with respect to this particular matter. Is the House leader prepared to allow his own colleagues to state their position in connection with these two bills? Does he not think that is fair?

**Hon. Mr. Conway:** I like the leader of the third party; and one of the reasons I like and respect the leader of the third party is that after the debate ends, the leader of the third party is quite a reasonable fellow. To be fair to the leader of the third party, he came to me the other day and he said, "Government House leader, listen, you know our position on this bill, but the bells

are ringing and we are ready to take the vote and to get on with this."

Really, I want to congratulate in a public way the leader of the third party, because, like the leader of the third party, we are not afraid to debate this. We recognize that there is not unanimity out in the community, but the government has put a comprehensive new policy for the more efficient and the more enforceable regulation of retail store hours before the assembly and before the province.

There has been great debate. Of course, there is some opposition. There has been significant amendment and a great deal of debate, but what the government wants now is to move on to the next stage of debate. It wants to move to that in an orderly way. Let those members who wish to debate the bills in committee of the whole and in third reading have the kind of opportunity that has been mentioned. Let's get on with it in a way that focuses on the debate.

**Mr. Brandt:** I would like to have the deputy House leader of 1982 back again. I do not know where he went.

#### MUNICIPAL FUNDING

**Mr. Brandt:** My question is to the Minister of Municipal Affairs. It relates to comments recently made by the Treasurer (Mr. R. F. Nixon) with respect to municipal financing and certain financial commitments and obligations that have been shifted from the province to the various levels of local government.

I would remind the minister that programs such as pay equity, the municipal-industrial strategy for abatement program, Sunday shopping, Bills 113 and 114, Bill 187 and the infamous courtroom security bill that is being proposed by the Attorney General (Mr. Scott) have all, in fact, placed or will place an additional financial burden on municipalities.

The minister has, through the Treasurer, frozen unconditional grants leaving the municipalities effectively with two options: one is to raise taxes or the other is to go further into debt and to borrow more money. Which of the two options is he suggesting that his municipal colleagues follow in order to fund these programs?

1450

**Hon. Mr. Eakins:** I think what we are talking about here, which the Treasurer has made available to municipalities, is more money, but with more flexibility.

Let's remember that this year the transfer payments to municipalities are up 5.4 per

cent—this is above the inflation rate; \$4.4 billion in transfers from the province this year; an 11.3 per cent increase in sewer and water projects. If the leader of the third party wants to assist the municipalities, he should speak to his federal colleagues and get them to assist in the infrastructure funding, as I did last year in Bromont, Quebec. Has he spoken to them?

**Mr. Brandt:** I suppose the minister feels blaming the federal government gets him off the hook. Let me remind him of a statement made by his Treasurer, in which the Treasurer said, "Where I borrowed \$1.6 billion last year many of these cities are almost debt-free and they might consider increasing their borrowing."

Can the minister tell the House if he agrees with the Treasurer's stand in which the municipalities should go further into debt, and does he believe that municipalities should bear, literally, the full cost and the full burden of these programs that he is transferring on to their backs at the local level?

**Hon. Mr. Eakins:** Mr. Speaker, you have to look at the broad picture. The member is focusing in on a couple of programs. Let's remember that the various ministries of this government provide very well in many ways to many of the municipalities.

If the member wants to focus in on his own city of Sarnia, one which, as he knows, I have great fondness for and visit quite often, I might tell him that in 1987 the conditional grants increased there by 12.8 per cent, which is three times greater in 1987 and 1988. The unconditional grant increase also exceeded the mill rate. This year, the city of Sarnia will receive something over \$4 million in unconditional grants.

Also, when we are talking about how we contribute to the municipalities, the member should remember that in his city of Sarnia an extra \$1 million for the chronic care project at St. Joseph's Hospital was made available by the Ministry of Health. The program for renewal, improvement, development and economic revitalization grants from my ministry over the past two years totalled some \$450,000. I think that is very important to remember.

The Ontario neighbourhood improvement program funding in 1985—

**Mr. Speaker:** Thank you.

Interjections.

**Mr. Speaker:** Order.

**Mr. Brandt:** The effective representation of an opposition member, I know, was able to get those grants to flow to his municipality. I do not



know who the member was in that particular case.

I would like to remind the minister that the MISA program alone, in the city of London, is estimated to cost between \$2.5 million and \$4 million. That is for the capital cost of that program, and then an annual operating cost of \$1 million to \$1.5 million. The Bill 187 exercise on the part of the Attorney General will cost the city of Barrie some \$300,000; it will cost the city of Sarnia some \$500,000; it will cost the city of North Bay some \$500,000.

The minister mentions a number of programs that have historically been in place, on behalf of Ontario, to assist municipalities. The conditional/unconditional grant structure is essentially no different. It has not been changed, other than the minister did exactly the wrong thing this year by freezing the unconditional grants and providing some modest increase on the conditional side.

**Mr. Speaker:** The question?

**Mr. Brandt:** Is the minister aware of the fact that municipalities across this province are upset by what is happening in connection with transfer funding? They held a press conference here in this building to indicate their concern—

**Mr. Speaker:** Order. The member did ask a question.

**Mr. Brandt:** Well, I want to make it more specific to the minister.

**Hon. Mr. Bradley:** He heard it, Andy.

**Mr. Brandt:** Well, choose from any of the above with respect to the question.

**Mr. Speaker:** Order. Are you aware the municipalities are upset?

**Mr. Brandt:** That isn't the one I would have asked.

**Hon. Mr. Eakins:** I am very much aware of the concerns of the municipalities and the concerns of the member, but we meet annually with the Association of Municipalities of Ontario to review the programs, and we should very well review them. If the honourable member has read the Provincial Auditor's report, as I have, he will realize that the auditor is saying to this government that we should have greater flexibility. Let me quote to the honourable member from the auditor's report:

"We questioned whether certain basic grant formulae, which were established in 1973, have provided the ministry with sufficient flexibility to address the changing economic conditions of municipalities since that time."

He goes on to say, "The method used to calculate resource equalization grants for resource-poor municipalities should be re-examined."

He also goes on to say, "The northern support grant rate of 18 per cent of a northern municipality's tax revenue warrants reassessment."

I have responded to the auditor. Has the leader of the third party responded to the auditor?

**Mr. Pouliot:** Keep reading after page 105. Keep reading.

**Hon. Mr. Eakins:** I am just reading what the auditor said.

**Mr. Pouliot:** Keep quoting the auditor; there's more.

**Mr. Speaker:** Perhaps the member for Lake Nipigon would allow his colleague to ask the question. Would that be all right? Fine. I will recognize the member for Cambridge.

## LAND RECORDS

**Mr. Farnan:** I have a question to the Premier. "We have a very specific plan to reduce auto insurance premiums," said the Premier. "We favour a common pause day," said the Premier. These promises and many other Liberal promises are contained in this box. This is what the Liberal promises have come to; the Liberal promises are in shreds.

Interjections.

**Mr. Speaker:** Order. Some time ago I recognized the member for Cambridge for a question. Please place your question.

**Mr. Farnan:** Granted that Liberal promises are of much less value than original land use documents—

**Mr. Speaker:** Order. Do you have a question?

**Mr. Farnan:** —destroyed by the Ministry of Consumer and Commercial Relations, will the Premier investigate upon whose authority these documents were destroyed and will the Premier report back any disciplinary action resulting from his investigation?

Interjections.

**Mr. Farnan:** I did not hear the answer, Mr. Speaker.

**Mr. Speaker:** I had difficulty hearing the question.

Interjections.

**Mr. Speaker:** Order. I would ask all members to remember standing order 24(b). When I recognize a member, that member has the right to speak, and I wish all member would allow that member to speak.

**Mr. Farnan:** I understand that the Premier has said yes, he will investigate and report what disciplinary action he will take.

The Ministry of Consumer and Commercial Relations promised not to shred the documents, these primary source materials, without consultation with user groups. The promise was not kept. It is one of a long string of Liberal promises. Will the Premier investigate who is responsible for the destruction of these documents without consultation with the user groups and, if this barbarous act was carried out by officials without the minister's knowledge, what disciplinary actions will the Premier take?

**Hon. Mr. Peterson:** Mr. Speaker, I referred it to the minister.

1500

### COMMUNITY SAFETY

**Mrs. Cunningham:** My question is for the Minister of Health. On March 31, 1988, a young girl was brutally attacked in London and the public waited eight months for this government to finally release its report on the assessment of risk management systems for patients on Lieutenant Governor's warrants. My question to the minister is this: Can she advise us whether these recommendations are implemented?

**Hon. Mrs. Caplan:** As the member for London North knows, my first priority is always the safety of the public and having the very best risk management systems in place. I can tell the member that we immediately began implementing the last six recommendations in that report right after it was received and that we set up a co-ordinating body among a number of ministries to address the first five recommendations, because our goal in this government is to ensure the very best possible mechanisms for protection of the public in the psychiatric hospitals and in the system of Lieutenant Governor's warrants.

**Mrs. Cunningham:** If any of these recommendations in fact are implemented, we should be very, very concerned. We are all aware of an attack that took place last Friday evening in Brockville.

It is our information that none of the guidelines have been implemented and we are looking at some kind of guidelines for implementation which will not be released until August or September of 1989. This is clearly a year and a half after a young girl was brutally attacked in London. It is just not good enough. The public is now demanding a public inquiry into this risk management system. This report has not worked.

Guidelines are not good enough. We cannot wait until September.

My question to the minister is this: Will she advise her Liberal colleagues on the standing committee on public accounts to support a request for a public inquiry so that the public can be assured of a safe and fair risk management system?

**Hon. Mrs. Caplan:** For the information of the member for London North as well as the members of this House, it is important for everyone to realize that the LGW system is entirely within federal jurisdiction and is mandated by the federal Criminal Code. We are in the process now of implementing this risk management system within the psychiatric hospital system to improve upon that which we already have in place.

I would say to the member opposite that in fact the work that is being done within our system responds positively to the recommendations of the independent LGW board, which makes recommendations as mandated by the federal Criminal Code. It is my goal to ensure that we have in place the very best possible risk management system.

### LAND RECORDS

**Mr. Kanter:** A question to the Minister of Consumer and Commercial Relations: Yesterday a group of 12 historical societies, including the Architectural Conservancy of Ontario, held a press conference to raise its concerns about the destruction of deeds and other land use documents from the years 1868 to 1945 and their replacement with microfilm.

While the minister did assure the House that the destruction of the documents had been temporarily halted, he indicated that discussions were taking place with the Archives of Ontario. Can he let us know whether those discussions have begun and whether they might lead to alternative proposals to preserve Ontario heritage documents and to make them more accessible for historical and genealogical research?

**Hon. Mr. Wrye:** I can say to the honourable member that the discussions between the provincial archivist and the historical and heritage societies have been going on for some time, and there has been a temporary halt in the destruction of these documents.

Also for a period of time, the officials in my real property registration branch have been liaising with various people in the historical research community looking at some of the documents that should be preserved. It has



resulted in a commitment to preserve all abstract indexes, record books and copy books, as well as original paper documents that are recommended for preservation by the provincial archivist.

I am aware that my colleague has proposed that a number of these historical groups get together with both the archivist and officials of my ministry. A meeting will take place, I believe next week. I congratulate my colleague on making those arrangements, and we will see what alternative arrangements can be produced at what I hope will be a very productive meeting.

**Mr. Kanter:** I certainly appreciate the efforts of the minister in having his staff meet with representatives of my constituency and with other interested parties. Hopefully, we will be able to resolve this matter through those meetings. But should we not be able to resolve those matters at the staff level, would the minister be willing to meet personally with representatives of the historical community to deal with at least those documents in his jurisdiction?

**Hon. Mr. Wrye:** I know my friend, who has spoken to me on this issue on a number of occasions privately, has been working very closely with the historical groups in his riding. I can say that I am for ever an optimist about these things and I hope, as we go into the meetings next week, if we go into them with a view towards seeking positive solutions to some problems which have proved to be difficult, that we may be able to move towards the kind of positive solutions we want.

I want to assure my friend that if the meetings cannot produce the kind of solution he and the groups he represents want, and if my officials so report, I would look very favourably at a meeting. I am quite prepared to meet with members of the historical societies within his riding who are so concerned about this issue.

### CONSTRUCTION SAFETY

**Mr. Mackenzie:** I have a question for the Minister of Labour. The minister will be aware that two events this week—the testimony at the inquest into the death of Dominic Testani at the Scarborough construction site and the downing of tools by the 930 workers at the SkyDome—have clearly underlined the inadequacy of safety and health protection for Ontario workers.

The minister will be aware that the workers at the SkyDome were driven by unsafe conditions and completely unacceptable toilet facilities to down tools. It appears that a settlement of the immediate problem has been reached.

Can the minister assure this House that the workers will not be docked yesterday's pay for exercising the right to refuse, and can he tell us what steps he plans to take to ensure that workers do not have to go to this extreme action of shutting down a construction site to get action?

**Hon. Mr. Sorbara:** I am glad the member for Hamilton East has raised the question of temporary work stoppage at the SkyDome in respect of health and safety concerns by the workers there. Many people around the province probably read reports of that and his question gives me an opportunity to provide this House and the province with some more information.

Subsequent to concerns being raised, a meeting was held on the site. Indeed, an agreement was reached between representatives of the workers on the joint health and safety committee and representatives of management. All the concerns the workers had on that site have now been addressed.

I think what it points out is that the structure for joint health and safety committees can and should be available to construction workers around the province. The member for Hamilton East and I have had discussions both in committee and in other places on this matter, and he knows my views on that.

The workers are obviously now working again on the SkyDome and their concerns have been addressed. More important is the fact that he knows I, as minister, several months ago through ministerial order required that a joint health and safety committee be established on that site. I think the good news is that that committee process is working and it sets a precedent for other construction sites in the province.

**Mr. Mackenzie:** The minister has always treated the SkyDome as a model, yet we see the problem the workers have here. What about the thousands of other construction sites in Ontario? What about the case of 24-year-old Dominic Testani, who was killed when he fell 10 floors after the scaffold he was working on collapsed on August 3, 1988?

This week, the minister will know that the ministry inspector told the inquest into Testani's death that he would have shut down the Scarborough site for multiple reasons, not the least of which was the fact that the scaffold in question was spliced. The inspector testified that he had never seen a spliced scaffold in 16 years in the construction industry. The company, Martinway Contracting Ltd., did not file the required notice of project with the Ministry of Labour until after Mr. Testani's death.

Will the minister require a joint health and safety committee on all construction sites and not just high-profile sites like the SkyDome, where his party's chief fundraiser is the contractor, and will the minister ensure that workers have the right to shut down an unsafe or unhealthy work area or situation?

1510

**Hon. Mr. Sorbara:** The comment about the contractor at the SkyDome is inappropriate and not worthy of comment.

The member knows that ministerial orders requiring joint health and safety committees have been issued in respect of other sites as well. He comments on the inquest. I take the view that it would be inappropriate for me to comment on that inquest, given that investigations are continuing.

The member knows perfectly well that the issue of joint health and safety committees on construction sites is one that we are contemplating aggressively as we move towards bringing forward amendments to the Occupational Health and Safety Act.

Those amendments, of course, will not ensure just by virtue of their introduction and passage in this House that all construction sites will, by virtue of those amendments, become sites that are consistent, complying with every single regulation that governs construction sites, but they will put authority and power in the hands of working people to ensure that on those sites workers are involved in the ongoing process of ensuring healthy and safe construction sites in this province.

#### LAND STEWARDSHIP PROGRAM

**Mr. Villeneuve:** To the Minister of Agriculture and Food: The minister has, quite rightly, in the ministry's land stewardship program assigned a prominent role to the Ontario Soil and Crop Improvement Association and the county association. I know that the minister will be meeting imminently with the executive of the soil and crop improvement association.

Can he tell us why he has told his officials to cut back or cancel the funding to the provincial association?

**Hon. Mr. Riddell:** Later on this afternoon I will be meeting with the soil and crop improvement association, but I do not know where the member gets the idea that I told my officials to cut back on funding. I am certainly not aware of that, but we did earmark so much funding for each year of the program. What we cannot fund this year, if indeed there have been far more

applications for the program than we dreamed of, then we will carry on with that part of the program next year.

The fact of the matter is that the program has been very well accepted. It has gone over in a much more popular way than we ever dreamed when we initiated the program. We will be reviewing the program from time to time, we will be reviewing our funding and, if need be, we will certainly endeavour to allocate more funding to keep this most worthwhile program on the road.

**Mr. Villeneuve:** Quite obviously, there is a lack of communication either with the minister and his staff or with the staff and the crop improvement association. There is a breakdown in communications, because the message they have is that their funding is being cut back. They are responsible for the land stewardship program. It is a most important program. We have a very positive response to this particular government initiative. Why would the minister even consider cutting back whenever a program is working well?

**Hon. Mr. Riddell:** The soil and crop improvement association was aware of the funding that was available for the program. They are the ones who are really administering the program. They are the ones who are looking at the applications. They are the ones who are establishing the priorities. In other words, the program is largely being left to them to administer. They know what funding is available and they are doing a pretty good job of working with those funds.

#### HOMEMAKERS' PENSIONS

**Ms. Poole:** My question is for the Treasurer. In August 1984, during a nationally televised debate on women's issues, Conservative leader Brian Mulroney stated that a homemaker's pension could be implemented "in an evolutionary way without the cost being unbearable." He also correctly pointed out that many elderly women live in poverty and said for that reason the issue of the homemaker's pension should be addressed "in the very highest priority at the next session of Parliament."

It has been four and a half long years since that promise was made. My question for the Treasurer is, can he tell me if the Prime Minister, the Minister of Finance or any other senior member of the Mulroney government has approached him to discuss the implementation of the homemaker pension policy?

**Hon. R. F. Nixon:** I regret to inform the honourable member that I have not been ap-



proached at any time by any of those people to discuss that promise made four years ago.

**Ms. Poole:** I thank the Treasurer for that very frank answer.

I would think that after four and a half years we should now expect to see some action in that regard. I wonder if the Treasurer might comment on his personal feelings about the homemaker pension, and also—the best is yet to come—would he personally pledge to talk to a senior member of the Mulroney government, whether it be the Prime Minister or the Minister of Finance, about this promise and urge him to implement it?

**Hon. R. F. Nixon:** I am delighted to tell the honourable member that at one of the early meetings of the panel of treasurers convened by the Minister of Finance for Canada, I believe in December 1985, I raised the matter with the other treasurers, indicating that I thought since we were discussing changes in the Canada pension plan, this was an improvement that should receive serious consideration.

Not all the treasurers responded in a positive way, but it was agreed that a working group of federal officials would examine the cost implications of the homemaker pension as an adjunct to the Canada pension plan. That working group is still hard at it, but because of a number of, I suppose political implications—the recent federal election campaign—the treasurers have not met for many months. There is some expectation that the panel of treasurers will be meeting again and I certainly hope there will be some report from the working group about the important matter the member has raised.

## NATIVE HUNTING AND FISHING RIGHTS

**Mr. Pouliot:** My question is to the Attorney General, both in that capacity and also as minister responsible for native affairs.

The minister might be aware that last November in the city of Thunder Bay, District Court Judge John Wright ruled that Thomas Chevrier, who is a nonstatus native of Metis blood, had the right to hunt moose out of season. The judgement was based on the fact that Mr. Chevrier's father's mother had been a status member of a band that signed the Robinson-Superior treaty dating back to 1850.

What does the minister intend to do in terms of the application of the Game and Fish Act in Ontario?

**Hon. Mr. Scott:** I would like to thank the honourable member for the important question.

I think this was the first case in Canada in which the judge of a court had held that these

rights, which normally accrue only to status Indians, could be extended to others of mixed blood who did not and were not entitled to have status recognition under the Indian Act. It is therefore a very important decision.

In the circumstances, because it was a decision of the district court, it is not binding on anyone but Mr. Chevrier; but although the decision was unsupported by reference to any authority, I would be wrong to say that we are not seriously considering its implications and the extent to which it should be applied.

**Mr. Pouliot:** I would like to inform the House that since judgement day, Thomas Chevrier has passed away.

Notwithstanding that historic judgement, the minister had a chance to appeal but he passed or exceeded the deadline. In the meantime, the conservation officers in the Ministry of Natural Resources really do not know what to do. The judgement is the law of the land until proven differently, yet they do not know, in terms of monitoring compliance, whether they should or should not enforce it for people who are nonstatus natives—Metis people, people of mixed blood. Are they or are they not allowed at the present time to hunt and fish out of season?

**Hon. Mr. Scott:** The honourable member has confirmed what we knew, that Mr. Chevrier had died, and it thus follows that no appeal could have been taken from the decision unless he was alive at the date of the appeal. So in that sense there was no possibility of reviewing this important decision.

## 1520

It is not entirely correct to say, in the sense which the honourable member says it, that this is the law of the land. It is the determination given by the judge in the case that arose between the crown and Mr. Chevrier. As I say, the judgement is one of very great novelty; it is unsupported, as the judge I think himself conceded, by any judicial authority; and we are looking at the extent to which we should review the matter. But to say that any other judge of the superior or district court will be bound by the decision is simply not correct.

## SERVICES FOR HEARING-IMPAIRED

**Mr. J. M. Johnson:** My question is to the Minister of Community and Social Services. A constituent, George Edward Banks, a senior citizen living in Wellington Terrace home for the aged, requested my assistance in obtaining a hearing device. After consulting with this ministry and other ministries, I had to advise Mr.

Banks that no assistance was available. Mr. Banks then forwarded me a copy of the minister's news release, and I would like to quote one paragraph: "The Waterloo region branch of the Canadian Hearing Society received \$50,694 in provincial funds to provide support services for hearing-impaired seniors living in Kitchener, Waterloo and Cambridge. The announcement was made by Kitchener MPP David Cooke on behalf of Community and Social Services Minister John Sweeney."

My question is: Having read this news release, Mr. Banks wants to know why he, too, should not also be entitled to some assistance for his hearing disability.

**Hon. Mr. Sweeney:** The honourable member asks a very good question. I would like to find out myself. I will certainly check and find out what the answer is. I do not have the answer right now.

**Mr. J. M. Johnson:** I appreciate the minister's consideration and I would like to point one thing out: When we received the news release, it bothered me that the people in Wellington were not receiving the same services as the people in Waterloo and some other regions. I would encourage him to see if we cannot extend the same service to all the people in all parts of this province.

#### COURT FACILITIES

**Mr. McGuigan:** I have a friendly question to the Attorney General.

**An hon. member:** It is always a friendly question.

**Mr. McGuigan:** I wanted a change of pace. It is of interest to the member for Chatham-Kent (Mr. Bossy), to myself, and to the citizens of Kent county. In early December the Kent county courthouse building was evacuated because of serious structural problems. Could the Attorney General tell me what action has been taken to save this heritage building?

Just before he gives us the answer, I thought all members might be interested to know that as a matter of fact one of the stonemasons who worked on the building, completed in 1898, was Alexander Mackenzie. That worthy gentleman occupied the seat of the gentleman whom we honoured a few minutes ago in this chamber.

**Mr. Speaker:** Do you have a question?

**Mr. McGuigan:** And then he went on to be the second Prime Minister of Canada. When the Attorney General was in Chatham two years ago, as I recall, Judge Perkins gave him a mounted stone chip.

**Mr. Speaker:** Do you have a question?

**Mr. McGuigan:** Just to remind him of that fact, and just to be even-handed in this—

Interjections.

**Mr. Speaker:** Order. I would remind the member that this is question period. If the member has a question, place it. If not, I will recognize another member.

**Mr. McGuigan:** Because there is going to be a very short answer, I would simply like to add that the contractor was the Baxter Construction Co. All right, Mr. Speaker, I am finished.

**Hon. Mr. Scott:** I will be at least five minutes, Mr. Speaker. I would like to thank the honourable member for his question. As he knows, this historic courthouse in Chatham, to which the jail is attached, is one of the older buildings in the province that is still in use. Attached to it, of course, is a brand-new building which represents the modern courthouse, but in the old portion there is one courtroom.

The portico to the building was being repaired and, having made entry under the roof, the engineers and repairmen found, I believe, that the south wall was at considerable risk. Notwithstanding Alexander Mackenzie's excellent masonry work, I gather that some fairly immediate repairs were required. His services could not be obtained; we had Government Services look at it.

We vacated the building—the single courtroom in the building that was being used—and the jail and made arrangements with the municipality for alternative accommodation. We expect that these fairly fundamental repairs undertaken by Government Services will permit re-entry to this historical building on May 1.

**Mr. McGuigan:** Can the minister tell us when court will be able to be held in this building again?

**Hon. Mr. Scott:** As I pointed out in introducing my answer to the honourable member, all the courtrooms in Chatham are being used. There is simply one courtroom in this portion of the building. It is a jury courtroom and, indeed, I believe would not presently be used until next April, when a jury trial has been slated to be held in Chatham.

That trial will take place in the municipal building, and any time there is requirement for a jury trial in Chatham after May 1 we will be able to provide it.

#### ASSISTANCE FOR THE DISABLED

**Mr. Philip:** I have a question for the minister responsible for programs for the disabled.



There is a guidebook which he has turned out called Guide To the Ontario Government Programs and Services for Disabled Persons. Under a heading of "Municipal Parking Programs and the Disabled Symbol Licence Plate," it states: "The provincial 'disabled symbol' licence plate is equivalent to a municipal permit and confers the same benefits to the holder under the local bylaw. The Ministry of Transportation issues the plate free of charge. These allow physically disabled drivers and/or persons driving disabled persons to park in designated parking spots throughout the province." Is that a factual statement?

**Hon. Mr. Mancini:** I believe that the information given in the guide was as factual as possible at the time. I want to tell the honourable member that I did, in fact, read through the entire guide after it was reprinted. I do not believe I came across any particular areas of error.

The member may know that this past summer I was a guest speaker at the Association of Municipalities of Ontario convention and also met with the AMO executive with my colleague the Minister of Municipal Affairs (Mr. Eakins) to discuss the very important matter of parking for persons with disabilities.

If the honourable member has a specific problem he would like to bring to my attention, I would be most pleased to hear it.

**Mr. Philip:** For years, organizations such as Care-Ring for Rexdale, and indeed the city of Etobicoke, have asked that permits be issued to organizations like Care-Ring for Rexdale for volunteers who are driving disabled persons.

Is the minister aware that the Minister of Transportation (Mr. Fulton) has now finally brought forth a policy, but that policy is that permits will be issued only to companies and organizations that are primarily in the business of transportation and providing for disabled persons, and thus it excludes many, many organizations and volunteers who fear getting ticketed or having their cars towed away in their humanitarian act of helping the disabled meet various appointments that they cannot reach through other means?

**Hon. Mr. Mancini:** What the honourable member has forgotten to bring to the attention of the House is that the new policy for parking permits is one which allows the disabled person to have a portable permit. Therefore, the person who wishes to go from point A to point B does not necessarily have to travel in a vehicle that is licensed. The person can use the portable permit and as long as it is shown, either on the front

windshield or on the back, there will be no tickets given.

One of the principal reasons we have gone with the portable permit is for exactly the problem that the member has pointed out. Disabled persons do not always necessarily travel in the same vehicle. A portable permit is, I believe, a great benefit and a great help to the organizations that the honourable member is so concerned about.

1530

#### SMALL FOOD PROCESSORS' ASSISTANCE PROGRAM

**Mr. Pollock:** I have a question for the Minister of Agriculture and Food. The ministry made an announcement of a small food processors' assistance grant more than two years ago. This grant was to assist small processors to remodel and update their facilities. There was no question that cheese factories fell under the criteria, but somebody in his ministry made a decision that they did not. Would the minister tell the House who made that decision?

**Hon. Mr. Riddell:** No, I cannot. I will have to find out what it is the member is talking about. I am not aware that any small food processing industry that met the criteria was discriminated against in any way. In my estimation, if a small cheese factory met the criteria for this assistance then it would likely get the assistance. I really do not know what the member is alluding to.

**Mr. Pollock:** There were more than six cheese factories that applied for this grant and got turned down. Now they are cheesed off. They want to know why they did not get that grant.

**Mr. Villeneuve:** The big cheese is mad.

**Mr. Speaker:** Order.

**Mr. Pollock:** I think it is up to the minister to tell them why they did not get that grant.

**Hon. Mr. Riddell:** I really think the member has an obligation to tell me which six cheese factories did not get the grant and I will be more than happy to look into it to find out why it is they did not receive the grant.

**Mr. Speaker:** That completes the allotted time for oral questions and responses.

#### TIME ALLOCATION

**Mr. B. Rae:** Mr. Speaker, I indicated to you before question period that I did not want to take up the time of the House before question period but that at the very earliest opportunity I did want to discuss with you, sir, and put some views to you about the appropriateness of allowing a

completely improper notice to appear on the Orders and Notices paper without the unanimous consent of House leaders and without the unanimous consent of the House.

I have some arguments to make to you, and I wonder if you would allow me a few minutes. It will not take an extraordinary amount of time but it will take me some time to make some arguments to you, sir, which are of quite fundamental importance to the way we do business in this House and to the lack of precedent for this kind of procedure, for this kind of measure, as is proposed by the government House leader. In light of our very strong feelings in opposition to this appropriateness of this motion, Mr. Speaker, I wonder if you would allow me to make those submissions to you now.

**Mr. Speaker:** I have listened carefully to the Leader of the Opposition. I of course, as Speaker, can listen to any point of order or point of privilege. I am just not—

**Hon. Mr. Conway:** Mr. Speaker, on the same point that was raised by the Leader of the Opposition (Mr. B. Rae): I listened very carefully to what he said, and I think he said that he really sought unanimous consent to address a concern that he had, a point which I think he said would not be of unusual or extraordinary duration. If that is what I heard him say, and if he wants our consent to do that, I would certainly be prepared to hear the point, assuming that, as the leader said—if I heard him correctly—it was not of extraordinary or unusual duration.

**Mr. Brandt:** Mr. Speaker, on the same point: Our party would be in agreement with the Leader of the Opposition being able to make his arguments appropriately. He has indicated that he will be responsible in terms of time allocation with respect to this particular matter, and our party is very interested in the views of the Leader of the Opposition as it relates to a matter of precedent in this House and as it relates to these particular bills. So we would be in an agreement and we give our concurrence in having the Leader of the Opposition proceed.

**Mr. Speaker:** I have listened carefully to the three members. I hope that was not putting words in the Leader of the Opposition's mouth. Was he asking for unanimous consent?

**Mr. B. Rae:** I get it so rarely that I am delighted to have it. What I really want, Mr. Speaker, is simply to advise you that I would like the opportunity to make an argument to you on some fundamental questions about setting this motion before the House in print without the

unanimous consent of the House. I have a very simple case to make to you. It is not one which I intend to make for a couple of hours. It is one which can readily be made. I think it is one you should consider before the House further proceeds with respect to other business. I would like a chance to put it to you. I would have put it before question period, but I did not want to infringe on the time of members in terms of asking questions.

**Mr. Speaker:** It appears that the Leader of the Opposition has asked permission of the House to put some of his points of view on the record regarding an order of business, and there seems to be agreement. Is that the case?

Agreed to.

**Mr. B. Rae:** My submission to you is simply this, Mr. Speaker: If you would look at your authority under the standing orders of the Legislative Assembly, and in particular at sections 1(a) and 1(b) as well as standing order 39, that is, if you like, the statutory framework for my argument.

I then ask you to consider, quite simply, the precedents of this House with respect to previous time allocation motions which were put. They have been put on a number of other occasions.

They were put in 1982, for the first time in the history of Ontario. A decision by Mr. Speaker Turner was made on December 8, 1982. A decision of Mr. Speaker Turner was made on February 15, 1983, on time allocation. A decision of Mr. Speaker Turner was made on June 25, 1984, dealing with Bill 142. Of course, you yourself made a decision with respect to arguments made to you on June 19, 1986, which you will no doubt recall was the issue of the bill on extra-billing.

I have a very simple and direct argument to make to you, which is this: When the House considered the question of time allocation—I am not going to reargue the old law, because we have been through it all—my colleague Mr. Renwick, the late member for Riverdale, made a very eloquent description of how closure was introduced into the House of Commons during the Irish crisis in the 1880s. I did my bit in talking about the introduction of closure in the House of Commons in Ottawa during the great naval estimates debate between the Liberals and the Conservatives and Sir Arthur Meighen and Sir Wilfrid Laurier in those days. I do not want to go back and argue all those points.

I think you have ruled on this matter and the question of the allocation of time as a motion that is in order when it is put with respect to a single



bill. What I want to say to you is that that debate is one which I could make if I were interested in simply delaying proceedings or prolonging the time of the House. I have the entire debate here, going back to 1982 when dealing with this question.

I thought we made a very good case. I think we were right at that time. I think we were right in saying that there is no procedure in our rules that would allow for an allocation of debate, apart from standing order 39. I thought we were right when we said there is no common law, if you like, no unwritten rule allowing the government to shut off debate unless it is specifically provided for in the rules. Section 39 is the area in the rules which deals directly with this question of closure.

1540

What I want to suggest, Mr. Speaker, is that you must have a look at the argument which was made to you back in that very first debate by the then leader of the government, Mr. Wells, who is now, of course, Ontario's agent general in London. Mr. Wells said in response to our arguments that this amounted to a change in the rules, and that you cannot make a change in the rules that is unilateral; any change in the rules has to be made with the consent of all partners and parties in the House.

Mr. Wells made a very simple statement at page 5946 of Hansard in December 1982. He said:

"It may be that we should change the rules in this area, but the fact remains, this substantive motion deals with only one bill. It does not deal with two or three bills. It does not change the standing orders. It deals with one particular bill."

The argument I am making to you, Mr. Speaker, is that there is a clear distinction between what each and every government has done and what this government has done with respect to the moving of a time allocation measure. There is a distinction between that and moving a time allocation motion that touches on one particular bill as an exception to the rules of the House. Though I do not agree with it, I accept the reality that precedent, some four cases, has now been accepted by Speakers who have argued that these motions are in order.

I want to suggest that when you have in one motion put before you, Mr. Speaker, an effort to allocate time on two bills which deal in fact with separate subject matters, separate issues of principle and of policy—that what was suggested by Mr. Wells in his initial argument on behalf of what was in 1982 an unprecedented move—what

we have is a different situation from those previous motions and previous propositions.

I go back to the very basic arguments I have made to various Speakers. I hope I do not need to remind you, Mr. Speaker, that among those casting their nays against the original Speaker's judgement with respect to whether the motion was in order was the member for Perth (Mr. Edighoffer). But I only refer to that in passing.

My position on our rules and the way we do business around here has been, I think, very clear and very direct. We are bound by our rules, our precedents and any other relevant precedents that clearly relate to our situation. I go back to what Mr. Wells said:

"It may be that we should change the rules in this area, but the fact remains, this substantive motion deals with only one bill. It does not deal with two or three bills. It does not change the standing orders. It deals with one particular bill."

What I am suggesting is that the government cannot proceed in this way. It is not appropriate for the government to proceed in this way. It is not appropriate for it even to be in Orders and Notices without the unanimous consent of the House, for this simple reason: It amounts to a change in the standing orders and the way in which we do business in this House.

It amounts to a change that is substantive enough that I say to you, sir, if you cannot protect us in this regard, it will now be possible for there to be not one precedent in terms of the principle that the government can move time allocation with respect to a bill; it will now be possible for the government to argue that if it can plan time for two, it can plan time for three; and if it can plan time for three, it can plan time for five.

It would be a perfectly logical extension of the government's position that it could have a speech from the throne and attached to the speech from the throne would be an omnibus motion which would say, "This is how much time we are going to allocate for debate for the entire spring."

That, Mr. Speaker, I say to you with great respect—

**Hon. Mr. Conway:** You are beginning to sound like me.

**Mr. B. Rae:** The government House leader is raising his eyebrows and saying, "Well, now you're beginning to sound like me." I heard the government House leader say it and I accept that criticism.

What I am suggesting is that you do not have to go back to 1982, 1983 or 1984 or any of the other times. What I am suggesting, Mr. Speaker, is that you now have to consider it before any

discussion on this matter proceeds. I suggest you have to reflect on it very carefully, because you are going to be setting a precedent. Your ruling had better be a precedent which all members of the House can live with and which in fact provides the crucial protection for minorities and opposition parties, which it is your obligation to protect as much as it is to protect and to sustain the standing orders of the House.

When Mr. Speaker Turner made the precedent-setting decision back in 1982, he made that decision on the basis that it was a one-shot deal, a one-time, one-bill allocation. He did not make it on the basis of saying that it is open to the government to change the rules whenever it wants, and he did not make it on the basis that the government can allocate time not just for one rule, not just for one bill, but for several.

**Mr. Haggerty:** It says it all in the Sun.

**Mr. B. Rae:** I hope the member for Erie—

**Mr. Haggerty:** Niagara South.

**Mr. B. Rae:** Niagara South; I apologize.

**Mr. Haggerty:** The Sun says it all.

**Mr. B. Rae:** I read all the papers. The riding has changed but the member is still here. I would ask him to reflect on the words of his leader who, when he was Leader of the Opposition, had this to say back in 1982:

"The longer I am here the more I believe very strongly that the opposition is the only thing that stands between government and the sheer, naked use of power."

He was right when he said that, and he would be right if he said it today; he would even be more right if he said it today.

**Mr. Brandt:** Did he say that?

**Mr. B. Rae:** Yes, he did, on page 5949 of Hansard, back in 1982.

Mr. Speaker, I have one other argument that I want to put to you, and it also relates to how out of order this measure is. I want to suggest that if the government intends to move a notice of motion with respect to time allocation, it has to move a notice of motion with respect to one bill and that has to be considered. Then it has to consider another motion, if that is the way it intends to proceed. It cannot do it by means of an omnibus motion that includes all.

**Hon. Mr. Conway:** Your authority for this observation?

**Mr. B. Rae:** The government House leader asked my authority for this. I will say what it is. The simple fact is that if this measure is to be allowed, the logical implication of accepting that

argument would be that the standing orders would come to mean nothing when it comes to protecting the rights of minorities and regulating the way in which we do business here.

I hope I do not have to tell the government House leader that the standing orders of the Legislative Assembly of Ontario are entirely silent on the question of time allocation. There is not a single word in our standing orders on the question of time allocation. All there is, is a mention of the word "closure" under part IX, in standing order 39, pages 14 and 15.

What I want to suggest is that in considering the appropriateness of this motion as it now stands, Mr. Speaker, you should consider the power the House did give to you when it put forward its closure rule, and I want to read that to you. It says:

"A motion for closure, which may be moved without notice, until it is decided shall preclude all amendment of the main question, and shall be in the following words: 'That this question be now put.' Unless it appears to the chair that such motion is an abuse of the standing orders of the House or an infringement of the rights of the minority, the question shall be put forthwith and decided without amendment or debate."

I want to go back to the words "Unless it appears to the chair that such motion is an abuse of the standing orders of the House or an infringement of the rights of the minority..." What I want to say to you, Mr. Speaker, is that you have to consider the meaning of that phrase when you consider whether this motion for time allocation is in fact in order.

**1550**

There will be many people who will look to Ottawa for a precedent. Let me say very directly to you, Mr. Speaker, that it is quite inappropriate for you to do that, because the Parliament in Ottawa has specifically turned its mind to the question of time allocation and has created a series of rules with respect to time allocation. But there is an interesting point to be made that I do want to make to you with regard to the situation in Ottawa.

They have accepted in Ottawa the fact that there would be time allocation. When Mr. Trudeau became the Prime Minister, one of the things he insisted on was that there be a change in the closure rule to make it even more comprehensive, to talk about a time allocation rule that was being put in place.

I want to remind you, sir, that the time allocation rule that exists in Ottawa relates specifically to the question of one bill, and that in



fact when the government and the opposition—I remember this well because it was right after I left that great place—were having an argument about a series of acts and amendments dealing with the question of energy and the energy bill, which you will recall was the dispute that gave rise to the first ringing of bells for a very substantive period of time, in fact for several weeks, the government and opposition finally agreed on explicitly changing all the standing orders with regard to each individual act.

I refer you, sir, to House of Commons Journals, Monday, March 22, 1982, page 4626, where Mr. Pinard, who was the government House leader, seconded by Mr. Nielsen, ordered a change in the standing orders.

I believe that strengthens our argument for this simple reason: The change in the standing orders that was made there was a change that was required, I think on the face of it required because if they had not changed the standing orders to allow in this case for an agreement on time with respect to several different bills, it would have been out of order.

I think the government House leader at that point in time realized that, realized that under the standing orders that were in place in Ottawa you could only deal with the allocation of time with respect to a single measure before you, and not with respect to a variety of bills that might be before the House.

Mr. Speaker, I have another argument to make that I will put very briefly to you, but I must confess I am principally relying in my comments to you on the very first argument.

The other argument I want to make to you, sir, is that it is out of order for the government to be moving closure on a stage of the bill to which we have yet to arrive. In other words, I would say to you that it certainly is in order for the government to allocate time, or it might be in order for the government to decide to allocate time with respect to a single bill, if it was dealing with a stage of the bill at which we were at, but that it is out of order for the government to do so with respect to prospective stages of the bill we have yet to reach. That is my second argument.

But I say to you, sir, that the first argument is the fundamental one, and I say to you that if we end up with a situation where this motion is now in order, it will be open to any government, notwithstanding the standing orders, to come down in April or May and say, "We want to have three days for this bill and two days for that bill, and if we can't get agreement from the House leaders"—the argument from the government will

be—"we are going to do it by way of standing order."

If you allow that to happen for more than one bill, the clear implication will then be that literally anything goes in terms of how governments allocate time. The only protection we have in this regard, Mr. Speaker, in terms of the appropriateness of that notice of motion, is your ruling on what governments are entitled to do in this House, following what I regard as an unfortunate precedent but one which we nevertheless, looking at all the precedents that exist, have to recognize; but it applies to a single measure and it does not apply to more than one measure in one motion.

**Mr. Sterling:** I must echo many of the arguments and sentiments put forward by the Leader of the Opposition.

It is unfortunate our parliamentary process has come to this particular stage where we have a time allocation, or as it is referred to in Erskine May, a guillotine motion that is going to limit debate on and participation in two very important pieces of legislation.

However, I guess in some ways it is not surprising this government has come to this procedure in trying to end what has been, from the very start, a backing-in to a piece of legislation that appears to be hastily drawn and that has very little popular support in Ontario. So it is not, in some ways, surprising that the government is ending it as clumsily as it began it.

We have had some time allocation motions that have been ruled in order in this Legislature. Those took place in 1982 and 1983, as referred to by the previous speaker. However, as has been pointed out, those particular time allocation motions dealt with a single piece of legislation, and I believe with a single part of the procedure.

Today, Mr. Speaker, if you rule that this particular motion is in order, you are expanding the latitude of a time allocation motion or guillotine order. That is what we are deciding here today, not only for this particular set of circumstances where we have two bills and another procedure all grouped in one time allocation motion, but we are also deciding today that the government of the day can wipe its hands clean of the existing standing orders, in effect, and say:

"We want a legislative timetable to our liking and this is the way we're going to do it. We're going to allow a certain amount of debate on stage 1. We're going to allow a certain amount of debate on stage 2. We're going to allow a certain amount of debate on stage 3. Then that's it,

members of the Legislature. It's going to become law because we're the majority. We're 94 strong and we're going to show our arrogance and carry all these steps ahead, notwithstanding that the members of the opposition have a legislative right to stand up and oppose members taking rules, laws and proposals put forward by the government."

If we extend the argument they are putting forward today, if we extend the argument that is put forward by the government that you can group into a time allocation motion or process a number of bills, a number of steps, all within a legislative time frame, in effect what we are saying today is, "Throw out standing orders altogether and let's get on with what the majority wants." The majority government then takes over all of the role of this Legislature and members of the opposition might as well go home.

I was elected to represent a constituency and the standing orders and the Legislative Assembly Act protect my constituents from an arrogant, overpowering majority government. In this case we feel, quite frankly, that the government is being premature in bringing forward this motion.

Erskine May says on page 456, in relation to guillotine bills or guillotine orders, "An allocation of time order is not usually moved until after the second reading of a bill, and usually not until the rate of progress in committee has provided an argument for its necessity."

#### 1600

In this case, we may have a situation where there is significant evidence that there has been a long debate on Bill 113 and that there has been significant debate in the standing committee that dealt with Bill 113. However, I believe Bill 114 was dealt with in either one or two days by the standing committee.

Second, we have the introduction of a guillotine motion before we have entered into the debate. I could perhaps understand it and I think the public would understand it if we got into the third reading debate and the debate dragged on day after day with no sign of letting up, and members were filibustering, speaking for three and a half or four hours each and repeating their arguments over and over again. Then I think the government might have an argument to move in on closure and cut it off on Bill 113. Maybe they would want to do it on Bill 113, or if Bill 113 passed, maybe they would want to move to Bill 114.

I think the essence of the point of order on which you, Mr. Speaker, must decide today is

that what the government has done by bringing forward this kind of guillotine motion is to expand what was unfortunately necessary in 1982 and 1983. They are now expanding the strength of a majority government not only on parliament today, but on parliaments of the future.

Therefore, I ask you to consider very seriously, Mr. Speaker, when does your ruling whether this is just a substantive motion that can be considered by this Legislative Assembly cross over the point from a substantive motion to really scrapping the standing orders under which we have to live from day to day? I suggest to you that this is not the time for going over that hump into the situation where you can allow a government to put together a whole timetable, where it can consider not only one piece of legislation through one process, but can consider two pieces of legislation through a number of processes. I suggest you not let us go over that hump today because the proof is not there that they need to do it.

I think there is a serious challenge today to the standing orders and the rights of the minority parties in this Legislature. I ask you to rule this particular motion out of order.

**Hon. Mr. Conway:** I have listened with care to my colleagues the member for York South (Mr. B. Rae) and the member for Carleton (Mr. Sterling) and I want to make some observations that will not be of any great length.

Let me say at the outset that I clearly believe this motion to be in order. In my view, there is absolutely nothing that has been said that has made me believe that the order standing in my name, the government notice of motion, is anything but in order. I just want to address that for my friend the leader of the third party.

The Leader of the Opposition has said it is out of order for two reasons. It is out of order, he said, because it is not within the competence of the House, really, or certainly not within the competence of the government, which is what I think he really suggested, to treat these bills together in this kind of motion. I do not agree.

I think a couple of things have to be said. First, from the very beginning of this particular process, we have, as the House and as the standing committee on administration of justice, dealt with these two bills, Bill 113 and Bill 114, together. They have been seen, they have been treated and they have been considered as companion bills. I think honourable members, whatever they think about the substance of the



policy that informs these two bills, would certainly agree with that.

When I listened to the debate, both in the House and in committee, one thing was very clear to me, that honourable members on all sides saw these two bills as companion pieces of a government initiative to more efficiently and enforceably regulate the retail store hours in Ontario. That, I think, is absolutely clear. There is no question about the way in which the committee and the House has dealt with this.

I want to say as well, dealing with the second point of the leader of the official opposition, simply this: The House is master of its own destiny. It is true, as the Leader of the Opposition has said, that the House can do a number of things. In fact, the Leader of the Opposition has stood up this afternoon and has sought an opportunity that under our rules is not easily provided, with one exception, and that is the exception that has been given to him to initiate this debate.

At any time, any member can seek unanimous consent to proceed with a matter of particular concern to that member, one that might then be shared more generally with his or her colleagues in the assembly; but the point I want to make is that the point we are now debating is an indication of how it is the House can be master of its own destiny.

**Mr. B. Rae:** You are.

**Hon. Mr. Conway:** The Leader of the Opposition parenthetically observes that I am somehow the House. I am not. I want to make clear that as we have seen on a number of occasions previously, time allocation has been used in this assembly.

It is very interesting, as the leader of the official opposition observed and the member for Carleton (Mr. Sterling) observed as well, that most of us were here that time, six years ago, when the very courtly and very fine leader of the government in the House, Mr. Wells, moved what I believe was the first time allocation motion. It was interesting the extent to which the honourable leader of the official opposition focused on that situation, as though nothing had changed.

In fact, some things have changed. It is true, as has been indicated in question period this afternoon and as undoubtedly will be mentioned on a number of occasions over the next little while, that I, in another place at that time, had a lot to say about certain of these matters. I expect I will hear some of that. But I want to make the point that when one reflects back to the situation

in 1982, I can remember sitting with my colleagues in the then Liberal opposition, talking on occasion with my friends in the New Democratic opposition, about how we were going to frustrate the will of the government at that time.

**Mr. D. S. Cooke:** Oh, no. You guys favoured Bill 179.

**Hon. Mr. Conway:** I am not talking just about that particular initiative. My point is simply this: The Leader of the Opposition went on at some length to talk about the situation with respect to the way in which our rules are written and the way in which our practices have developed. I say to my friend the member for Sarnia (Mr. Brandt) that until very recently we treated our routine proceedings as just that, routine proceedings. It was rare that this assembly, in terms of the kind of culture that had been developed here, ever debated at any length a report from a committee, as we have seen in this particular matter.

It is true that because the rules were essentially silent on that, it did not preclude that, but I think, and I have to be fair, my memory serves me well when I say that the former member, the very distinguished member for Port Arthur, Mr. Foulds, began a practice of limited debate on the report stage on the odd occasion. I might be correct and the table might correct me at a later point.

**1610**

It was rare indeed that we ever treated our routine proceedings as anything but that, routine. When a chairman of a committee reported progress from a standing committee with respect to a bill, it was taken on the nod.

The idea, for example, that we would use petitions as anything but routine proceedings was, again, unheard of in 1982. The member for York South looks somewhat askance, but I can tell my friend, from the 13 and a half years experience I have in this place, although I do not, like him, share an experience in another place, it is very recent in our culture here that we would have treated that petition portion of our routine proceedings as anything but routine.

The point I want to make is simply this, that we have standing orders that set out certain rules. I want to make the point that we have a number of practices to which attention has already been drawn. In my view, the order, that is the government notice of motion to set out specific time allocation for the consideration of these two bills, 113 and 114, into the next stage of debate and then on to an orderly conclusion, is entirely in order. It is very much within our practice, and I

cannot believe that the Leader of the Opposition really believes that just because our rules are silent on something, one cannot do it.

**Mr. D. S. Cooke:** We believed what you said on Bill 127.

**Hon. Mr. Conway:** Seriously, because if he believed that, I have to think that some of what we have seen on the routine proceedings would not be matters in which he would wish to engage.

I make the point simply that I have looked very carefully at our rules. I make the point again that I made last evening: This motion is not closure. The Leader of the Opposition quite rightly pointed out this afternoon what the closure motion is in the standing orders of the Ontario Legislature.

It is a somewhat different closure motion than you would find in other jurisdictions. I appreciate what the Leader of the Opposition has said in that connection. In our rules, as the Leader of the Opposition pointed out, closure is something very specific: It is that one moves that the previous question be now put.

This particular government notice of motion is not that. After months of debate, some 60 days of debate, having regard to both of these bills, the government is now saying, "We feel that it is appropriate, in face of what has been a very clearly articulated obstruction on behalf of the official opposition, to move these bills forward to the next stage of debate."

As I indicated here this afternoon in question period, I have to say that we are not intending to do anything but continue the debate, and the motion allows members of all parties to take time to debate Bill 113 at the report stage. It allows two full days of debate of both bills in committee of the whole.

I point out that with Bill 114, the second of the two bills, when members were under no constraint whatsoever, if my memory serves me correctly, I believe the debate on Bill 114 at second reading was something like an hour and something like an hour at committee stage.

**Hon. Mr. Sorbara:** With no amendment.

**Hon. Mr. Conway:** And, as the Minister of Labour observes, with no amendment.

I want to make the point finally, Mr. Speaker, that the motion before you is a motion to provide more debate. It is a motion that has been given notice of; in that respect our standing orders have certainly been complied with. It is a motion, as I say, that treats these two important bills as companion bills. In my view, that is exactly what we have done in practice with these two bills. As

I say for a final time, the House is master of its own destiny.

Of course, the Speaker has to protect the minority view and that is entirely appropriate, but I cannot believe, Mr. Speaker, that you or anyone else watching this debate would imagine that after nearly nine or 10 months, scores of days of legislative debate, some 60 days of debate—we have had something like 500 submissions and something like 200 people and/or groups have come before the committee. We have listened with great care. I agree that we have not accepted all of the advice tendered by the opposition, but that is understandable in the kind of democratic dialogue that we expect in this Legislature.

But because time allocation is clearly within the established practices of this assembly; furthermore, because this House is master of its own destiny; because we have spent such a great amount of time, both in the House and in committee, deliberating upon these two matters relating to that same public policy, which is the one I mentioned earlier—the more efficient and enforceable regulation of retail store hours in Ontario—and because notice of a substantive motion has been given, I believe this particular motion is entirely in order and I would quite frankly imagine that is the ruling that would have to flow from both our practices and our standing orders and would so submit.

Interjections.

**Mr. Speaker:** Order. I have listened carefully to the comments made by the Leader of the Opposition, the member for Carleton and the government House leader. The Leader of the Opposition asked permission of the House to raise this matter and receive unanimous consent. I listened very carefully to the comments, suggestions and arguments that he made. I also listened very attentively to and I made some notes regarding the comments of the other members.

It appears to me that the Leader of the Opposition is raising a point of order and requesting the Speaker to review the precedents of this House and to come back with a response on whether the motion on the order paper is in or out of order. Also, I felt there was something in there on whether the content of the motion was in order.

I would like to suggest to the members of the House, because to my knowledge this is the first time that such a request has been made of a Speaker, that they would give me time to reserve my comments on this request. I ask the indulgence of the House to continue with its



business and any other items on the order paper and give me a few hours to review and respond. Would there be agreement to that?

1620

**Hon. Mr. Conway:** Mr. Speaker, I do not want to put you in a difficult position. I understand our friends in the third party have some matters that they were intending to proceed with. Certainly, if that is your request, we are quite prepared to agree.

**Mr. Speaker:** I appreciate that. As soon as we get into the next order of business, I will certainly remove myself from this chair and prepare a response for the House.

## PETITIONS

### RETAIL STORE HOURS

**Mr. J. M. Johnson:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the Premier and other members of the Liberal government have stated the government's intention to repeal the Retail Business Holidays Act and to dump this responsibility in the laps of the municipal governments who have already indicated they don't want it; and

"Whereas the Legislature's select committee on retail store hours, representing all three political parties in the Legislature, reported unanimously to the Legislature in May 1987 as follows: 'The committee supports the principle of a common pause day in Ontario'; and

"Whereas the report also said, 'The committee unanimously rejects the notion of wide-open Sunday shopping for Ontario'; and

"Whereas the report commented as follows on the impact of wide-open Sunday retailing on working people and working families: 'The committee strongly believes that wide-open Sunday shopping in Ontario would represent an added pressure in our fast-paced society and a strain upon the family structure'; and

"Whereas it continued: 'This strain would be imposed particularly on the families of retail employees, many of whom are women, who might then be required to work on Sunday. The committee also believes that wide-open Sunday shopping would have an adverse impact upon common time together for primarily female-led, single-parent families'; and

"Whereas the report continued as follows: 'Similarly, it is recognized that on Sunday, child care facilities are not generally available, public

transit operates on reduced schedules, and open Sundays could lead to the need for more publicly sponsored family support services. All of these factors would impose unwarranted and unnecessary strain upon the family which is regarded as a key pillar of Ontario society'; and

"Whereas the Ontario government submitted a report prepared by its own women's directorate to the 1987 annual conference of ministers responsible for the status of women, and that report noted the need for greater government sensitivity to changes in hours of work and hours of business in terms of 'recognizing the need for time to be set aside when all families can be together' and the need to 'ensure that common time off is set aside when all families can be together'; and

"Whereas the government's stated intentions can only increase existing pressures on working people and working families and result in less fairness to them;

"We urge the Liberal government not to proceed according to its recent statements of intent, but instead urge it to maintain and strengthen the Retail Business Holidays Act, to retain under provincial jurisdiction legislation regulating Sunday work hours, to not pass the buck to municipal governments on this issue and to give effect to a common pause day for working people and working families in Ontario."

I have signed this petition, which has been signed by other people.

**Mr. Speaker:** This might be the appropriate time to remind all members that petitions are most welcome in the House. However, our standing orders do say that the petitioner's material allegations may be put forth. I have tried to put it as simply as possible on some occasions, saying that quite often there are a lot of "whereases" that are unnecessary. They state the argument for it, whereas the material allegations are stated in the "therefore." That might be helpful to some of the members in the future.

### TEACHERS' SUPERANNUATION

**Mr. Haggerty:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It says:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"This proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

I have added my name to the other 263 petitioners.

#### HOME CARE

**Mr. D. R. Cooke:** I have a petition, signed by 511 people, which indicates that they are taxpayers of the region of Waterloo and support the efforts of the Red Cross homemakers in the area and the Red Cross Society, Ontario division, homemaker service as part of the government's home care program providing service to the elderly, handicapped, ill or convalescent in order that they may remain in their own homes.

#### RETAIL STORE HOURS

**Mr. D. R. Cooke:** I have a second petition, signed by 287 people, adherents of the First Christian Reformed Church of Kitchener, who believe that Sunday should be kept as a common day of pause for religious and family services.

#### MOTION

##### PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Mr. Conway moved that Ms. Poole and Mr. Campbell and Mr. Furlong and Mr. Neumann exchange places respectively in the order of precedence for private members' public business and that, notwithstanding standing order 71(h), the requirement for notice be waived with respect to ballot items 59 and 60.

Motion agreed to.

#### INTRODUCTION OF BILL

##### HEALTH PROTECTION AND PROMOTION AMENDMENT ACT

Mrs. Grier moved first reading of Bill 202, An Act to amend the Health Protection and Promotion Act.

Motion agreed to.

**Mrs. Grier:** The purpose of this bill is to prohibit the sale of irradiated food and food which contains ingredients that have been irradiated.

#### ORDERS OF THE DAY

##### POLICE AND SHERIFFS STATUTE LAW AMENDMENT ACT

(continued)

Resuming the adjourned debate on the motion for second reading of Bill 187, An Act to amend certain Acts as they relate to Police and Sheriffs.

**Mr. Sterling:** As all members of the Legislature will remember, Bill 187 is a bill which deals with the security of the courtrooms across our province. Under our Constitution, our provincial government is given the responsibility for the administration of justice. Therefore, it is the provincial taxpayer who must bear the responsibility of running our court system and also, I believe, of providing adequate security for the whole process that surrounds the courtroom.

We in this party recognize that there has been a problem with regard to the clarity as to who is really responsible for providing security in the courtroom. Generally speaking, what happens at this time is the local police in an area provide the service, but the province compensates them in some way. I believe that, for instance, the Metropolitan Toronto Police Force was reimbursed in an out-of-court settlement not too long ago to the tune of some \$4 million for providing courtroom security.

#### 1630

The concern that municipal police authorities and municipalities in general have with regard to this whole matter is that they see this bill, Bill 187, as an abrogation of the province of Ontario's duties under the Constitution to administer the court process. In effect, what is happening here is what we have seen happen in a number of other areas with regard to dividing up where the province should pay the shot and where the municipality should pay the shot for providing the service. We have seen that dramatically illustrated with regard to educational services.

Most recently we saw that illustrated in a proposal of the Treasurer (Mr. R. F. Nixon) with regard to lot levy fees, whereby he is now saying that he is not going to provide 75 per cent of the cost of building a new school; he is going to provide 60 per cent.

The arguments have been put forward by the provincial government and by the parliamentary assistant to the Attorney General, the member for Mississauga North (Mr. Offer), that in 1985 there was a per household increase of \$3 for each household in each municipality to cover the transfer of this expense from the province over to the municipalities. We have heard from a number of police forces with regard to this. The cost of providing these services is much greater than \$3 per household. That is the argument that is put forward by police forces.

I want to read from the Honourable Justice Howland's remarks on the opening of the courts last year, in 1988. That is one year ago. Each



year in January of the year, the Chief Justice of Ontario, who is Chief Justice William Howland, makes a statement with regard to our justice system. Only a year ago, Chief Justice Howland made some remarks on this very subject of court security. I want to quote from that particular report. This is from his report, and he said it publicly but I do not think it has been talked about in this debate:

"During the year, General W. A. B. Anderson was retained to make a survey of security problems throughout the province. It is understood that he submitted a report early in the fall recommending possible alternative courses of action."

One alternative was the creation of a provincial force to provide security. When he was referring to the fall, he was referring to the fall of 1987. I think it is interesting that this government has not released the report of General Anderson and that our police authorities, who have been attempting to get hold of this report from the Attorney General, have been refused access to that report. That is a report that is over a year and a half old.

You would think that a report with regard to the security in our courtrooms which is over a year old, which has something to do very dramatically and very importantly with Bill 187, would have been released by the Attorney General so that when we enter into this debate we can have a reasonable debate on a report which obviously suggests the very opposite of what they are doing in Bill 187.

Evidently, according to Chief Justice Howland, one of the recommendations of General Anderson, who was dealing with this and has provided the government with service, was at the very least the creation of a provincial force to provide security in the courtrooms of our province.

What has happened is that, in spite of the fact that this government has a recommendation that the province assume the responsibility, which I think the municipal police forces would only be too happy to give up and take those forces and utilize them in the particular municipalities where they are located for normal municipal police matters—what we have here is a situation where the government has said: "Forget that, because we have to pay for that alternative. What we're going to do is stick it to the municipalities. We're not only going to require them to provide the municipal police for purposes of what we should be doing; we're going to require them to pay for it as well."

Mr. Speaker, I guess it is of no surprise to you that our party is requiring that this bill be sent out to committee. We want to hear from each and every police force, every municipal authority across this province, to decide whether we should go ahead with this legislation. I believe, quite frankly, that when push comes to shove, we are not going to go ahead with this legislation in the final analysis.

I know my friend the member for Wellington (Mr. J. M. Johnson) received a letter from the town of Fergus—I am sure he is going to refer to it in his remarks—about the increase in cost there.

I want to refer also to another problem with this particular matter. It is a problem we have in Carleton. All of the courtrooms are located within the municipality or the city of Ottawa. Notwithstanding the courtrooms being there, we do not only hear about police problems and criminal problems, crimes committed in the city of Ottawa; we also hear cases that consider crimes committed in the city of Nepean, which has its own police force; we hear about crimes committed in the city of Gloucester, which has its own police force; we have situations where we have crimes in the city of Kanata, which I represent, which has Ontario Provincial Police under contract to the city of Kanata; and we have crimes which are committed or alleged to be committed in the township of Cumberland, the township of Rideau, the village of Rockcliffe, the township of Osgoode, the township of Goulbourn and the township of West Carleton, all of which receive their municipal police forcing from the OPP.

It would appear from this particular legislation that the city of Ottawa—and while I do not represent it, I think it is unfair to it—is going to be stuck with the bill for providing the court security in the beautiful courthouse which the former Conservative government bestowed on that city. Also, the city is going to have to provide court security in the family court on Bronson Avenue, which hears cases from right across Ottawa-Carleton. Also, the other municipalities evidently are not going to have to contribute to providing this court security.

#### 1640

While I represent those other municipalities and I guess it would be somewhat imprudent of me to point out that they are getting off the hook, I still do not believe that even the city of Ottawa should be picking up this tab, because it is clearly a provincial responsibility to pay for these particular services.

I would also like the province to clarify the whole problem with regard to the transportation of prisoners, because again this is an area where very much a mixed bag exists at this time. I would like to see the province, in a piece of legislation, not only clarify its responsibility to take care of court security and perhaps consider the suggestion of Chief Justice Howland but also provide transportation of prisoners to and from jail, back and forth to the courtroom.

There are many municipalities that are extremely upset about this matter. We have received letters from a number of the municipalities. I would like to read the cover letter which I received from the Municipal Police Authorities.

"The Municipal Police Authorities, representing Ontario's 122 municipal police commissions and police committees, in concert with the Ontario Association of Chiefs of Police, has major concerns with respect to Bill 187, the Police and Sheriffs Statute Law Amendment Act, that we understand will receive second reading on Tuesday, January 9, 1989. As you are aware, it is the intent of this bill to transfer the responsibility for court security from the province to municipal police forces that have a courthouse within their jurisdiction.

"In presenting the bill, the Attorney General spoke of the past increase in unconditional household grants for policing from \$47 to \$50 so that the rising costs could be met. Without exception, the change from the \$17 per capita grant to the now \$50 per household grant, although equally applied to all municipalities, was and remains detrimental to the municipalities."

While the government at that time said municipalities were getting a good deal by getting \$50 per household rather than \$17 per capita, that in fact was a detriment to the municipalities in terms of the total dollars they got to run their municipal police forces.

"It is also of great concern to us that in order to comply with this legislation, many police forces in Ontario will be forced to remove officers from the street and place them in the courts. This fact alone should be of concern to the public we serve." I think this criticism deals with trying to replace people who in the past have been known as court attendants with fully trained police officers.

"Both the Municipal Police Authorities and the Ontario Association of Chiefs of Police have requested from Premier Peterson the opportunity to appear before a standing committee of the House so that we might comprehensively address

the issues surrounding Bill 187 and its impact upon both the police community and the public we serve.

"As Premier Peterson has not acknowledged or responded to our request, we are hoping your office may assist us in ensuring that we have the opportunity to address a standing committee of the House on the concerns of the police community with respect to Bill 187."

I have of course assured the Municipal Police Authorities that our party will make certain that it does have an opportunity to appear before a committee to express its concerns.

I might add that most recently—and I am looking for that particular matter in my file here—we have received a letter, I believe from the city of Kitchener, which has asked the Association of Municipalities of Ontario to call an emergency meeting to deal with this whole matter. Evidently, this particular bill has snuck up on the municipalities. They did not realize the financial implications of this particular piece of legislation and are only now reacting and asking that they have a province-wide meeting to deal with this particular piece of legislation.

I have received copies of letters from various police forces which outline the impact of what this piece of legislation means to each and every municipality in a certain area of our province. It is interesting when you look at the list of the financial impact of this particular court security legislation. The figures I am writing down here are done on the basis of the police forces having their people look at the bill and seeing what kind of services they are going to have to provide after this legislation goes into effect.

I am looking at what they call zone 3 within the Ontario Association of Chiefs of Police, and this does not include all of the province, but it is interesting when you look at the fact that some municipalities get off scot-free and some do not, even though they have a municipal police force.

For instance, Alliston, which has a police force, has zero impact. They do not have to pay anything for court security. Obviously, Alliston does not have a courthouse. Innisfil, Lakefield, Midland and Penetanguishene are all not impacted by this legislation. They have zero costs.

But when we look at some of the neighbouring communities, for instance Barrie, the Barrie taxpayers are going to have to cough up \$306,000 more in property taxes next year as a result of this legislation. Cobourg—and I see the member who represents Cobourg here—is going to have to cough up \$250,000 from its property



taxpayers in order to pay for this piece of legislation.

**Mrs. Fawcett:** Not so.

**Mr. Sterling:** The member who represents that area says, "Not so." She differs with chief of police, Chief McDougall. I will read this letter to her because she is here today. This is to the chief of police, director, zone 3:

Financial impact: "Should this implementation be approved and require sworn officers, it would mean that five additional officers would be required. The professional cost of each officer would be \$50,000, therefore projecting an overall cost of \$250,000. Cobourg has a district court and a provincial court, which would account for the requirement of five officers."

#### 1650

Impact on policing: "I do not feel that the municipalities should be responsible for the required costing. Should the move be approved and the money is not available, I would have no alternative but to cut services from the community; i.e., removal of the school safety officer, criminal investigation and personnel, and possibly the identification officer. The Cobourg police force enjoys a professional reputation in the community which we serve and protect. We are not willing to lower our standards by cutting service because someone in the justice ministry feels another burden should be transferred to the police."

That is what the corporation of the town of Cobourg's police say, and I only say to the member from that area that I hope she will see fit to vote against this legislation when it comes to that situation.

The town of Collingwood is going to have to pay \$133,000 more in property taxes to cover what has been heretofore a provincial expense.

The member for Durham East (Mr. Cureatz) is not here this afternoon. Oh, there he is. He will no doubt be talking about this later. The property taxpayers in Durham region are going to have to come up with \$2 million in order to pay for this legislation.

The town of Lindsay, where the Minister of Municipal Affairs (Mr. Eakins) comes from, is going to have to pay \$40,000 more.

I know there are a few members here from Metropolitan Toronto. Actually, there are not too many members here. There is one from the New Democratic Party, the member for Beaches-Woodbine (Ms. Bryden). They are going to have to pay \$16.8 million more because of Bill 187. At least that is what the police force recommends there.

In Orillia, \$70,000 more; in Peel region, \$572,000 more; in Peterborough, \$204,000 more; in Port Hope, \$12,000 more; in York region, \$1.1 million more.

It is not hard to see that the police forces are concerned about this. They are not only concerned that the property taxpayer is going to have another burden, they can see that the squeeze will be put on the municipal police forces in terms of their budgets and they will not be able to maintain the existing level of municipal police services which we have heretofore enjoyed in this province.

There have been many studies with regard to court security. Even if we placed the financial question aside and said, "How are we going to approach court security?" and having had the opportunity some time back now of practising law in various courtrooms across our province, I would have thought that in order to avert problems courtroom security would be better provided by a special group of people who had been trained to deal with the various situations which arise in a courtroom situation. Therefore, I would have thought there might have been an argument for a province-wide force that dealt specifically with that problem. It could be better trained. There could be a range of kind of security officer who could be trained to deal with different parts of the court process and provide an answer to the whole situation.

We have dealt with a number of reports in the past dealing with court security. We had an unfortunate situation here in Toronto some 10 years ago, I believe, where there was a murder in a Toronto courtroom. At that time, the whole question of security in the courtroom was raised.

I must admit I have received calls from some of my colleagues who practice, particularly in the family court area, about the court security not only outside the courtroom but within the courtroom when emotions are very high and where rational, logical, cool heads do not always prevail.

I think it would be a very logical and reasonable step for this province to reconsider Bill 187, to read over some of the recommendations it has received in the past from Mr. Anderson. Also to read over, I believe, some remarks in the Zuber report on this. I realize there are some with regard to Mr. Pukacz—I am not sure I am pronouncing that correctly—with regard to security in the court system.

I believe the province has probably acted in the absolute reverse of where all these reports were going, because of its problem with regard to

finances and the fact that it has been unable to manage our taxpayers' money and wants to again pass the buck down the line to these particular individuals.

Therefore, we have no problem in saying that we oppose this bill, but as our party always does, we will go into the hearings with regard to the committee. We will listen to the submissions, and we will, of course, be willing to make reasonable amendments if they can be made to this particular bill to provide better security, better policing, and not dump this responsibility on the property taxpayers of our province.

**Mr. Breagh:** I want to make some remarks on this Bill 187 today because, like many members, a number of groups in our community have begun now to add up the total package of this government's approach to financing services such as the courts and the relationship between this bill, for example, and other matters which somehow seem a little distant until you sit down in the cool light of day, as most municipal governments, for example, are doing right now in the preparation of their own budget.

A large measure of that local budgeting function is to assess as carefully as you can the financial relationships between Ontario and the local property tax, and changes that are made which somehow initially do not appear to have much of an impact, but when you analyse it a little further do.

One of the things that has been said to me, for example, on this bill is that it seems many were not quite aware of the financial implications of this bill on their municipality. It seems a bit strange because this is not a new concept. This is one which has been discussed on previous occasions, has been the subject of some study and some conversation, but for whatever reason the exact implications of it have not been completely understood. To be a little more fair, perhaps in a slightly different context this bill would be somewhat more acceptable in a financial sense to a local municipality than it is now.

### 1700

I want to begin with a couple of things. First, I would accept, as I think all members would, that there has been an ongoing debate about security in the courts, about who should provide that security and what should be the nature of the security. It is mentioned rather regularly as the members of the bench gather each year to assess with the Attorney General (Mr. Scott) the problems they have, what they might do and what are the possible solutions.

I notice that once again this year Mr. Justice Howland mentioned: "During the year, General W. A. B. Anderson was retained to make a survey of the security problems throughout the province. It is understood that he submitted a report early in the fall recommending possible alternative courses of action. One alternative was the creation of a provincial force to provide security. The other involved the use of existing police forces." This is from his annual report tabled for 1988.

The problem of security in the courthouses is not new. It is one which has been studied. This particular security report, and I quoted briefly from Justice Howland's report in 1988, is not available to the public. So we as opposition members and the public in general, police forces and others who are activists in the courts, have no knowledge at this time of what that report says. Perhaps that report is the basis for this legislation, but we do not know that. It would certainly be helpful if a report of that nature were to be made public. Perhaps during the course of committee hearings we might be able to do a little work which would either make that report in total or pertinent recommendations stemming from that report available to us so that we could have that sensible discussion about it.

That is one aspect. I think it is undeniable that in all public buildings, this Legislature included, the question of security is now a little more in the forefront of discussions. People are aware that different types of institutions almost have to develop their own techniques for security. What is appropriate here in the Legislature of Ontario may not be appropriate in some other public institution. One of our problems with this bill is precisely that: If we are to deal with this calmly and rationally, part of what we know must be done is very simply a good deal of consultation; you must develop consensus about what to do.

One of the first comments that was made to me about this bill had nothing to do with financing. It had to do with whether it was an appropriate allocation of what is now known in some quarters as the concept of community policing. In other words, I think we are coming to the realization that to ask police officers to do all kinds of different things is often very difficult. It often works against the concept that many forces are working on now.

They are very acutely aware that there are difficulties in their community which their force must address. They must assign resources, for example, to do community relations work. They must play a role in all kinds of safety programs.



In and around the school system there is an increasing role for police officers and police departments to play in the school community and in the development of its life and what it does.

It then becomes very difficult for a police force to allocate its resources appropriately when it is given additional responsibilities such as those provided for under this bill. In my early conversations with a couple of police officers, they were not primarily concerned with the financial aspects or ramifications of this bill, but they were concerned that it would make their job more difficult; that they were not particularly designed as security officers, nor were personnel trained to do that type of work in the courthouse.

As a matter of fact, most members here will be able to attest that police officers do not like the idea that they have to sit around the courthouses a lot. They are there for a variety of reasons: to gather evidence in ongoing investigations, to provide evidence before trials—there is a great deal of that work which simply has to be done by the police officers. There is also a good deal of down time. There are a lot of police cruisers sitting around every day outside courthouses in Ontario, and it is not a particularly productive use of equipment. There are also a lot of officers who are waiting to testify, waiting to participate in some proceeding before the court, and that is clearly not very productive time either. So they, in some way, are mindful that is not always the best allocation of their physical or financial resources.

When this bill was brought forward, it is my understanding that the Attorney General dealt with it as rather a housekeeping matter that would not be controversial. It has turned out to be quite a little controversy. It is getting more so day by day as municipalities around Ontario add this financial obligation on to other increasing financial obligations that have been presented, for example, by the Treasurer in his statements about grants that will go not only for policing but for other matters, and the changes that are there and what happens when you flat-line a grant system over a couple of years. What looks like a small percentage increase actually turns out to be less actual cash for the municipality to spend.

All municipalities are now in the process of striking their mill rate. They are in the middle of their budget preparations. They are particularly sensitive at this time of year to any changes which would be either changes in terms of grants given by the province, participation by the province in ongoing programs, or changes in

responsibility such as have been suggested by this particular bill which is before us now.

I do not want to speak at great length, but I did want to get on the record this afternoon the concerns that I have about it. It does seem to me that this particular bill, by itself, needs further study. It will be our request that it does go to committee and that all of those who have phoned us and written to us to express their concerns and those municipalities which have provided individual members with information be given the opportunity to appear in front of a legislative committee so that we can begin, if we can, to sort this out.

I think, to conclude, it goes back to the original question. It is worthy of our consideration here today, and further in committee, that we address ourselves to that security matter of whether it really is appropriate to have police officers providing security in a courthouse situation, what the alternatives are and how one might go about that. I think that is not a simple problem but is a matter which must be discussed at some length in committee. I think there are a number of levels of government now that will suffer an impact that is unfair, in my view.

There is nothing that I have ever seen which indicates to me that the region of Durham, for example, my own regional municipality, should rightfully be expected to pay another \$2 million in police costs simply because the courthouses in that area are physically located in the region of Durham. I anticipate that the Attorney General will say, "Well, there are ongoing negotiations about the cost ramifications of these changes." Let me warn him in advance that this is going to be a difficult battle with municipalities which have gone through this time and time again, where someone from Queen's Park suggests, "Here is a little change that we will make for you and we will sort out the financial ramifications of it later."

A lot of that has happened in the last decade or so, and most municipal governments know better than to accept that as being a reasonable premise on which to proceed. At this point in time they want to know exactly what the financial arrangements are and for how long they will last. They want to know exactly whether their cost estimates—in Durham, for example, of \$2 million a year going on to the local property tax base—are accurate, precisely how long that will last and what the long-term cost projections are.

Most municipal people, when they strike a budget, ask two pretty basic questions. The first one is, "How much does it cost in the first year,

so that we can say yes or no to whether it is a good idea?" But the more pertinent financial question is not, "How much it does it cost to put up a rink?" The more pertinent financial question is, "How much does it cost to operate that same rink over the next 20 or 30 years?" So they look at the long-term financial implications as being a major portion of their decision-making process.

It may be that the Attorney General, in his own inimitable manner, has stumbled in the field here and presented something on which he really did not understand what he was bringing forward. Perhaps he does not have very much in the way of a long-standing, ongoing relationship with local municipalities. Perhaps he thought he was just clearing up a little paperwork here. But I think it is evident to all members now that there is a major problem here, and the problem is in the allocation and use of our personnel and the financial implications of all of that.

### 1710

I know the government may be a little bit uncomfortable in moving this bill to committee, but I think it must be done. The government will do it one way or the other: Either organize it and send it off to committee, in which case we will have a common rational argument—I am sure about it; or it is going to be facing kind of day-by-day sniper fire from various groups out there that are getting more and more angry over what this government is doing on a day-to-day basis.

They are keeping their little calculators at the ready and adding up the implications of what the Treasurer says today and the Attorney General says tomorrow and what all this will mean when we strike a local mill rate some time near the latter part of March or on into April 1989.

I think those are substantive matters. I think our reservations to the principle of this particular bill are sincere. I think they deserve the efforts and the hearings and the process that is followed when a bill is referred out to committee. I understand we will be able to do that.

I think the time is now to kind of sit down and carefully and calmly assess all the ramifications of this bill, to see whether there are other alternatives that really ought to be explored and to make a little more concrete all of the financial ramifications that are very much a part of this legislative move.

**Mr. J. M. Johnson:** I would like to express to the government my strong opposition to sections of Bill 187. I strongly encourage the government to have it sent to the standing committee on administration of justice so that the municipali-

ties and police forces that have expressed concern will have an opportunity to make presentations on their cases.

I would like to point out a couple of areas I disagree with. One pertains to the \$3 grant—\$47 to \$50; it was established, I think, in 1985—the unconditional household grant to help pay for the increasing cost of courtroom security and policing.

An example I can use is that in the riding of Wellington, the town of Fergus's population is about 7,000 people. It will receive a grant based on that 7,000 population. Its court facility serves an area of 25,000 to 30,000 people, yet it is only the 7,000 on whom we will receive the benefit of the police grant. It certainly is not fair that the town of Fergus should pick up the cost of maintaining a courtroom and security for the whole area.

The town of Palmerston is a smaller community of around 2,000 people and it, in turn, has four or five municipalities that share its courtroom facilities but do not share in the cost.

The Attorney General has stated that this bill imposes no change to the current situation for the vast majority of municipalities. I would concur with that because I have 21 municipalities in my riding and 19 of them will not be affected, but two will be affected.

I think that since the courts are there for the use of all the people, the province should pay the cost, that it be shared equally across the whole province and not make a municipality that happens to have a courtroom in its jurisdiction responsible for this increased cost.

The police forces make a compelling argument that the province is responsible for court security and that under common law the security of a building is the responsibility of the owner, and that therefore, because the province owns the courthouses or leases them, it should pay for their security. That certainly makes sense to most people.

I have a question to the parliamentary assistant to the Attorney General. If the province, rather than the municipalities, pays for court security, what will be the total cost to the taxpayers? Will it be less than if the municipalities pay the cost? I submit that it will not.

I will not belabour the point because my colleague the member for Carleton (Mr. Sterling) expressed many of the same comments I could make at this time. I will say that the town of Palmerston, the city of Guelph, the town of Walkerton, the city of Owen Sound and the town



of Fergus have all expressed very deep concerns about this legislation.

In closing, I would like to read into the record a letter I received from Fergus. I might mention, as my colleague the member for Stormont, Dundas and Glengarry (Mr. Villeneuve) is here, that the town of Fergus is the home of the highland games. The letter is addressed to me:

"Re Bill 187, Police and Sheriffs Statute Law Amendment Act, 1988.

"Dear Mr. Johnson:

"As you are aware, the Honourable Ian Scott, Attorney General for the province of Ontario, introduced Bill 187 in the House on November 17, 1988, for first reading. In short, the bill transfers the responsibility for the security of judges, courts and prisoners upon municipalities who have any type of court within their jurisdiction.

"With past provincial governments, the attorneys general have recognized they had a responsibility for this function, yet the present government is attempting to absolve its responsibility by putting Bill 187 before the House with no input from municipalities, police forces or their governing bodies or the taxpaying citizens of the province."

That is despicable, to think that would happen in this society.

"A conservative estimate"—that is good; instead of a Liberal estimate—"of the added cost of providing the services as outlined by the Attorney General to the taxpayers of Ontario is \$40 million to \$50 million. This added burden to the taxpayer as well as the added pressures on resources of police forces in Ontario is of grave concern to police managers, municipal council and boards of commissioners of police."

I will skip a couple of paragraphs and move on.

"It is estimated that an additional 400 police officers will be required to fulfil this obligation placed on municipalities should this law be proclaimed. Needless to say, other proactive police programs will suffer. Decisions by police managers will be made to eliminate community-based policing, RIDE programs, school safety programs as well as multicultural programs."

I say to the parliamentary assistant, that is the feeling of the municipal police forces.

"Bill 187 affects each and every municipality in Ontario as it not only applies to all criminal courts but civil courts and would cause police managers to supply trained officers for provincial offences court, small claims court and landlord and tenant courts, etc.

"I urge you, sir,"—he is addressing this to me—"to rally the opposition parties"—that is the birds over there and us—"for enough members to stand against this horrendous legislation and its added burden to municipalities when it is reintroduced for second reading, to cause public hearings on the matter by the justice committee so that input from those burdened may be made."

That, to me, is a reasonable request.

"The municipal police authorities and the Ontario Association of Chiefs of Police will make all their expertise and resources available to you so that the true impact of this legislation to municipalities and police resources will be realized.

"Your continued support in matters of this nature is appreciated.

"Yours truly,

"W. G. Beirnes, mayor."

I will close by simply saying that I support Mayor Beirnes's very intelligent and reasonable letter and his request, and hope that this government will give consideration to the same request.

**The Deputy Speaker:** Are there any questions and comments on the member's statement?

**Mr. McLean:** I would like to comment briefly on the member's remarks. They are certainly well put and to the point, but I want to make an observation on some of the comments he made with regard to the cost to the municipality which has to provide that protection. There is one thing that concerns me that I did not catch in his remarks; that is, with regard to the court system we have in Ontario and with regard to the jails.

I have often wondered why the Attorney General's office, the Solicitor General (Mrs. Smith) and the Minister of Correctional Services (Mr. Ramsay) could not get together and have the policing from the jails whereby you could have a van that would take the prisoners to the court. You would have one trip. Today, you have to supply two police officers in a car to take the prisoners to court. I would think that if you had a system whereby they were run from the jails, that would save an awful lot of money on all these municipalities that have to pay the cost for the police. It would also have the police doing what they should be doing; that is, the work within their own community.

**1720**

I see, many times, two police officers driving up and down the road to pick up prisoners and take them to court. After court is over, they take them back and drive back home again. They make two trips, costing the taxpayers an awful lot

of money. I would think that if this government were interested in saving any taxpayer dollars, it would institute a scheme whereby it would have the prisoners taken from the jail to the court by special constables. There are lots of police who are near retirement who would be pleased to have the opportunity to have a job for a short period of time.

So I think Bill 187 needs a lot of amendments.

**Mr. Hampton:** I want to just highlight the fact the member has pointed out, as I think several members tried to point out in earlier statements, that in fact this bill is like a statement about a program without any money being there to institute the program. Unlike a lot of the other Attorney General bills that may deal with a change in the substantive law, a change, let us say, in the Family Law Act or the trust legislation that really does not have a lot of financial implications, what this bill does is really say to municipalities, "You now have the responsibility for providing a policing and security program for the courts," but it does not provide any money at all for that program.

I would suggest, and I thank the member for highlighting this again, that if the government is really serious about this, it had better talk to the municipalities soon, and it had better be saying to the municipalities, "Look, this is how much we estimate it is going to cost and this is how much money we are prepared to offer to ensure this does take place." I say that so the parliamentary assistant to the Attorney General will indeed take notice, as he has.

**Mrs. Cunningham:** Certainly, as the representative for London North, I have very specific reasons for being very concerned about two things; first of all, the lack of consultation around this legislation. It is very discouraging for municipalities at this particular point in their fiscal year, while they are planning and voting on budgets, to all of a sudden find out, as in the case of London, that they are looking at over \$1 million, \$1.23 million, they had not planned on in order to provide security in the courts.

The real concern is that police persons will be taken away from their regular responsibilities and will be asked to do things that are really of less importance to the constituents in their municipalities. It is really too bad that we should even be standing here today having to speak to this surprise piece of legislation.

The London courts, by the way, do not hear only London cases; they take in other municipalities. Why should they have to spend their money on security for all those cases? The smaller

municipalities are not able to adequately fund such a program. What happens when the money runs out in some of the municipalities? Will the judges refuse to sit? Will cities have to cut back on local programs such as Reduce Impaired Driving Everywhere to supplement the funding for police protection?

We are really very unhappy with this kind of legislation. We think it is unfair. It relates to the same kind of a process this government has taken around the Sunday shopping legislation. It has not taken into consideration the costs to the municipalities for such things as day care, transportation, security costs and administrative costs, and now we have an additional security cost that they will have to take into their budgets because of the lack of communication and the lack of understanding about the only system that works right now, and that is the municipal one.

**Mr. J. M. Johnson:** I would like to briefly comment to the member for Simcoe East (Mr. McLean). Being a former warden, he has certainly put forth some excellent proposals in his very reasonable and intelligent manner. Rather than answer them, since I do not have any idea about them, I would refer them to the parliamentary assistant to the Attorney General, the member for Mississauga North, and hope that he would at least respond to the comments of the member for Simcoe East.

I would like to say that I appreciate the comments of my colleagues the member for London North and the member for Rainy River (Mr. Hampton) and their concern for the lack of consultation with the municipalities and police forces in this province. I would have thought that this fair and Liberal open government—

**Mr. Pollock:** Used to be in years gone by; the old days.

**Mr. J. M. Johnson:** Used to be—would have no problem in consulting with the municipalities. It seems it has a one-track mind and that the only consultation it is going to make is on the Sunday shopping issue. It is going to give the local municipalities all the autonomy they want on that one issue and that alone. There is no consideration given to this type of legislation.

Really, the pieces of legislation it should be referring to the municipalities for their input are not coming forward. It is simply going on its very stubborn way on the one piece of legislation and the rest really does not matter.

Mr. Speaker, I encourage you to encourage members on that side to pay a little attention to the very valid comments that have just been made in this last hour or so.



**Ms. Bryden:** I think this kind of legislation is something that should not be happening in this Legislature and that is one of the main reasons we are opposing it. It is a typical response of an arbitrary government when it sees a problem: to bring in a half-baked bill that attempts to solve the problem without providing any funding for implementing a bill including a change in responsibilities.

It is shifting the provincial responsibility for the security of its court facilities to the municipalities, but it is not offering them any financial assistance and it is using up very valuable police forces and their time in the municipalities. This shift of responsibility is working to the disadvantage of the citizens of the province who rely on their police forces for other things than just protecting the people sitting in court facilities.

This kind of delegation of responsibility should not be done through this kind of legislation. It should be worked out in a new grants system if we do need the help of police constables or police security in protecting court-houses.

The second thing that is typical of it is that it shifts the financial burden and the deployment of the police forces to the municipalities. It takes away their opportunity to deploy their police forces in the best possible way. I am speaking as a representative from Metropolitan Toronto. I understand the estimate of the cost of this bill to the people in Toronto will be over \$16 million because they have a tremendous amount of the courtroom space and facilities in the province and the security risks are somewhat greater the larger the centre in which these are located.

**1730**

Why should the citizens of Metropolitan Toronto have to pay over \$16 million to see that the province's responsibility to maintain security in courtrooms is looked after? Why should the citizens of Metropolitan Toronto have to do without the services of many constables who will now be required to sit in courtrooms instead of being out on the streets dealing with the problems there? Why is the municipality of Metropolitan Toronto going to have to do less work with its police force in training officers in community relations, in how to deal with racism and in how to deal with drug trafficking? How is it going to fulfil those major responsibilities when the Attorney General is taking first-class constables off the streets and into the courtrooms and is abdication his responsibility in that respect?

Also, I think it is a very unfair law because it has a different impact on different municipalities

according to how many courtroom facilities they have. It has a different effect also according to the state of the courtroom facilities. If they are in old buildings where security is difficult to enforce, it will cost them that much more to fulfil this responsibility that the Attorney General is attempting to shove on to them.

The province must not be allowed to get away with shirking its responsibilities for security in its own institutions, and this is why we must oppose this bill and say that the Attorney General must try another route to ensure that our courts and our court facilities are secure.

**Mr. Villeneuve:** It is a pleasure to participate for a few moments in this debate. However, it is a debate that is creating a lot of havoc throughout some of the smaller municipalities in rural Ontario and I will discuss a few of the problems it is bringing to some of the counties that I very proudly represent.

I had occasion to be in Alexandria, in Glengarry county, which is the county seat. The courtroom is located there. I had occasion to discuss it at some length with his worship Jean-Paul Touchette, the mayor of Alexandria, and he flatly told me that he would not listen, he would not provide an officer and security at the courtroom that serves all of Glengarry country.

We are talking about a population of 3,300 people, about 1,400 households. The limited amount of funding that will be brought in from those 1,400 households does not even begin to cover the costs of security in the courtroom. This small, rural municipality will have to service quite a large number of other municipalities within the county of Glengarry, and it is just not fair.

The city of Cornwall will be bound with the responsibility of security in the courthouse. I say to his worship Mayor Phil Poirier: "You are going to be hosting some Liberal MPPs this weekend. Make sure that you speak to them and say: 'Well, you know, what about this? Do you really think it is fair that the police force in the city of Cornwall will be taxed with the entire burden of security in the courtroom?'"

I say to his worship Mayor Poirier—and he may be a relative of yours, Mr. Deputy Speaker, you both have the same name; and I am sure you will be one of the dozen or so MPPs in Cornwall tomorrow and Saturday—and I say to the municipal officials and all of those in and around the city of Cornwall, "We are dealing with a town that is 99th on a list of 100 regarding per capita income." Only the city of Sherbrooke is lower on that scale that was done across Canada, and they

are asking that municipality, in an economically depressed area of this province, to assume the costs of security in the courthouse. That is not fair at all.

Along with this particular copping out on municipalities, whenever Bill 113 and Bill 114 come to pass—and it looks like sooner or later, in spite of what the opposition is trying to do, these two bills will come to pass—municipalities will be faced with considerable expenditures when hearings have to occur, when the public has to be listened to.

Who do the members think will bear those costs? That is the responsibility of the municipality—once again, the local option. The government of Ontario has opted out.

The town of Kemptville, a lovely little town, home of the Kemptville College of Agricultural Technology and a number of other great little operations and institutions, has a population of 2,500, approximately 1,000 households, a three-man police force, and is going to be asked, indeed forced, to provide security in the courtroom that is located in that town to serve the county of Grenville. That is not in any way, shape or form a fair responsibility.

This government has done a lot of opting out of its very basic responsibilities at a time when the Ontario economy is booming. Since this government has taken over, provincial coffers have swelled by some \$12 billion annually, and yet it is copping out of its financial responsibilities. It happens to fall on the shoulders of those who can least afford to pay, those small rural municipalities with a limited number of households, and the per capita or the per household remuneration in those instances is nowhere close to covering the actual cost.

I could go on at some length and outline some of the real deficiencies that this government has had towards that part of Ontario which has been totally overlooked, the eastern section of Ontario. There is a Minister of Northern Development (Mr. Fontaine). There is even a deputy minister for this city, Metropolitan Toronto, one of the most economically affluent areas in North America. Yet eastern Ontario is an area that is economically depressed. If we were to take out the city of Ottawa in the statistics that we have for eastern Ontario, I think you would find that in many instances, particularly on per capita income, eastern Ontario is below any other area in Ontario. Yet this government is forcing responsibility on to those small rural municipalities that can least afford it in an area of the province that is economically deprived.

Mr. Speaker, I thank you for the opportunity to put on the record the concerns that have been expressed to me. I say again to the people of Cornwall who will be welcoming—or otherwise—the MPPs from the Liberal caucus this weekend, make sure that they know and that government members know exactly what this government is doing to them.

**Mr. Hampton:** I only want to comment that I note this afternoon that representatives from both the New Democratic Party and the Conservative Party, representing various municipalities and regions throughout the province, have all spoken on this legislation.

I also want to note that last week the police chief for Thunder Bay felt this bill was important enough that he flew down here to lobby us personally. Yet I have not seen the government member for Port Arthur (Mr. Kozyra) speak on this at all.

Further, we have received telegrams from the police chief in Sudbury about his concerns about this bill, and I have not seen the member for Sudbury (Mr. Campbell) speak on this. We received word from the police chief in Kenora and have not heard from the member for Kenora (Mr. Micalash). We received telegrams from Peterborough and Barrie and we have not seen any of these members representing the interests their municipalities and their municipal police forces have in this.

It is very clear from the amount of mail we have received—as the member just indicated, he has received a lot of mail from his part of Ontario—that municipalities were very upset about this and yet I do not see any of the government members expressing this concern at all. I think they ought to represent their municipalities once in a while, at least some of the time, rather than simply follow the government line.

**Mr. Pollock:** I just want to comment along the same lines as the member for Stormont, Dundas and Glengarry. I know for a fact that the city of Peterborough and the county of Peterborough enjoy excellent working relationships. When that city of Peterborough is going to have to pay out \$500,000 for courtroom security, that is just going to cause a whole lot of friction in that county-city relationship. I want to put it on the record that I do not think it is right and I think this Liberal government should be held responsible for that.

We have the same situation in the county of Hastings and the city of Belleville. The city of Belleville is going to have to pick up that tab for



extra costs of policing the courtrooms, and, as I say, it is going to be concerned about that. They will certainly not think it is fair that they have to pick up that extra cost and the county goes more or less scot-free. As I say, the responsibility lies with that Liberal government.

1740

**Mr. Villeneuve:** To the member for Rainy River, certainly he represents an area very similar to the one I speak for. To the member for Hastings-Peterborough (Mr. Pollock), a man who has been involved in municipal politics certainly understands.

I know for many of the Liberal members across the way, the stepping stone to Queen's Park has been municipal office. All they have to do is put themselves back into that setting and scenario. That is what this type of legislation does when it is forced on them. Indeed, they attempted to put it through without even going to committee.

It is very, very interesting that the member for Rainy River and I touched on it as well. The Liberals are bleeding in the background. However, they are not getting up and putting on record whether they will or will not support this type of legislation. That is the question.

**Mr. Fleet:** Watch us vote for it.

**Mr. Villeneuve:** Oh, they are going to vote for it. That is good. That is telling the municipalities they represent: "We don't want the hot potato of anything to do with Sunday shopping. Financial management, financial support and security in the courts are someone else's problems. We can opt out of that very easily and we're going to do it because we have a large majority."

I defy them to get on the record and tell the people they represent why they are going to support it. Why do they want the municipalities—

**Mr. Fleet:** That's what they get the money for. They're supposed to look after it. That's their job.

**Mr. Villeneuve:** Get on the record. Never mind screeching in the background. Get them on the record so that then we can send to their people, in case they do not do it themselves, exactly why they are supporting this legislation, because the Premier (Mr. Peterson) brought it forth and there is maybe a bit of a carrot on the end of a stick for some members.

I think some of them have aspirations to cabinet. Is that not something? That is the way to go to cabinet: to do exactly as the Premier tells them.

**Mr. Philip:** The parliamentary assistant to the minister was honest enough to say that the purpose of Bill 187, of course, is to transfer the security costs of the courts to the municipalities; what he might have said is to the property taxpayer.

We know that property taxes are already extremely high and, indeed, any one of us can talk to any of our constituents and see exactly how they are bleeding in terms of the property taxes.

We know that in opposition the Liberals argued over and over again in this House that property taxes and sales taxes were the most regressive forms of taxation. They pleaded for a fairer form of taxation. That is what they said in opposition.

Now what they are doing is transferring directly to the municipalities additional costs—first, additional costs, even indirect costs, then through increasing sales tax. We saw that bill, the same bill for which they let the bells ring for three days when the Conservatives introduced it. Now it is in terms of increased costs for policing.

Once again, we see an example of where, even though the municipalities have asked for different kinds of increased local authority, the Liberals have failed to give it. But yet, in areas where the local municipalities have not asked for any kind of authority, the Liberals are intent on forcing it down their throats. We saw that with the retail store hours legislation which we are still debating in this House, and now we see it with the policing of courtroom facilities. In real costs, Metropolitan Toronto says it means an extra \$16 million in policing costs that will come directly out of the taxpayers' pockets as a result of this bill.

In our area, in the riding of Etobicoke-Rexdale, we have a very large provincial courthouse. Indeed, in Etobicoke you will often see it on the news because often some of the more dramatic cases are held there. We are having cases that affect people who are picked up out of—

**Mr. Reycraft:** No respect for the clock.

**Mr. Philip:** I beg the member's pardon. If the member wants me to adjourn the debate, then we can vote on this later.

**Clerk Assistant:** Sorry, my mistake.

**The Deputy Speaker:** You may proceed. There was no time limit on your speech.

**Mr. Philip:** That is correct.

In Etobicoke, we have a very large courtroom facility, in case the member missed it in his

interruptions of my speech, which I will have to repeat, or perhaps I will have to repeat the whole speech.

It is often that in cases involving the parliamentary assistant's own area, unfortunate events that have taken place in his area, the accused parties are being tried in the municipality of Etobicoke. Of course, the Metropolitan Toronto taxpayers are going to pay for those. If one goes to the courthouse in Etobicoke, it is very frequent that one will see the TV cameras outside as some very large and important cases involving a certain amount of security are being tried there.

In my area, as indeed in all of Metropolitan Toronto, when I talk to my constituents, they are concerned about the need for additional community police officers who will work with young people. They are talking also about the need for additional police officers to deal with the tragic problem of drugs.

More recently then, we have had a series of unfortunate break-ins in my riding and the people are calling me and saying, "We need additional policing and supervision until such time as we can come up with the offending parties and make sure that they are dealt with appropriately." Here we are, introducing a bill, as the government has done, that will put additional taxes, additional responsibilities on those police forces, which are already overextending themselves.

Let me conclude by saying that once again this Liberal government is abrogating its responsibility as a government, passing to municipalities authority which they have not asked for and indeed passing on to the municipalities costs which they certainly have not asked for. It may be a very short bill, but it has a very long impact and the impact will be felt in the pocketbook of every home owner and ratepayer in Metropolitan Toronto, as well as other municipalities. It will also be felt in the kind of police service that we receive as a result of extra pressures being put on the already exhausted and overextended police force in Metropolitan Toronto.

**The Deputy Speaker:** Any questions and comments on the member's statement? If not, do other members wish to participate? The member for Durham East.

**Mr. Cureatz:** As a matter of fact, as unaccustomed as I am to participating in debates in these learned chambers, listening to the most enthusiastic comments coming from the opposition members—none from the Liberal backbenchers, I might add—it behooves me to make one or two comments about—

**Mr. Fleet:** Because we understand the legislation.

**The Deputy Speaker:** Order, please. One member at a time. The member for Durham East will address his remarks through the Speaker.

**Mr. Cureatz:** I know the fine people at home will be listening very closely to some of my comments, as mundane as this piece of legislation is, which I want to bring to everybody's attention and, more particularly, to the Liberal backbenchers' attention, who find it in themselves to interject continuously as the Liberal House leader scurries about like a little mouse trying to put this chaos that has transpired this afternoon in the assembly in order, as I look on with great glee, smiling like a Cheshire cat, watching him squirm away now that he is in control of the tools of power and he is attempting, albeit futilely, to try to come to grips with the situation that has now confronted him—we are watching it all unfold. He will have a happy three or four days to mull it over as he drives towards his wonderful riding of Renfrew North, to anticipate Monday's events so that he can, once again, resolve the Sunday shopping issue.

I bring that to the House leader's attention because this bill—Goodness me, I only have 10 minutes. It is of great frustration. I say to the people at home, if you are cooking up dinner and some of the children are tired of watching the Flintstones and they happened upon me, this legislation is not of great magnitude for the press out there—the Toronto Star, or the Toronto Sun or the Globe and Mail. Yet it is of great importance and it affects a lot of us all across Ontario.

**1750**

It started with that particular institution that we are all supportive of, which is the police force, and from there the municipalities. I think it is important that we review one or two aspects of the legislation of Bill—and what is the number, Mr. Speaker, to refresh your memory if you are tapping your toes?—187. What is it all about? It is a bill that transfers the responsibility of courtroom security, including security of judges and prisoners, from the province to the municipality.

Strangely enough, I happen to be of the learned cut of cloth barrister and solicitor. I am looking and casting my eyes about the chamber wondering if there are any Liberal backbenchers who might be of that same learned profession and hoping, with great enthusiasm, that they may make some comments about this legislation because, no doubt, from time to time, either in previous incarnations—not necessarily present—but certainly, in future incarnations because, as



we all know, when the election unfolds, I say to the yappy member for High Park-Swansea (Mr. Fleet), he better kiss his seat goodbye because he is going to be one of the 30 or 40 Liberals who are gone.

I can only remind him more people talked themselves out of this place than into it. Strangely enough, I have had the opportunity of speaking for four terms, so maybe I am the exception to the rule. But then, on the other hand, I happen to be in opposition. That is that important role that I have to play, but not the member for High Park-Swansea. When I get to the interesting notes about what Metro Toronto has to say, I would like to see what he has to say in terms of the—

**Mr. Fleet:** It's a good bill. What else do you want to know?

**Mr. Cureatz:** Okay. The member for High Park-Swansea will have his opportunity. He did say it is a good bill. Let me just see, and review with great interest, what is taking place in Metro Toronto, since he is so enthusiastic about this legislation. Since the early 1980s, the provincial government has had a unique cost-sharing arrangement with the Metropolitan Police Force in which the province has provided funding for at least 50 of Metro's court security officers.

These court security officers are usually civilians who receive training from the Metropolitan Police Force. That sets the groundwork in terms of the honourable member's support of the bill. This cost-sharing arrangement was initiated by none other than the then-Honourable Roy McMurtry, with whom I certainly had the pleasure of dining at the Sir John A. Macdonald dinner last week at the Albany Club. He brought to my attention aspects of this bill when he was Attorney General. We discussed the seriousness and the flaws of this present legislation and discussed the proposition that if he was Attorney General, and he knew quite well that if we were the government of Ontario, we would not be bringing in such bunk.

Do the members know what is happening now? Let me remind them. Under Bill 187, however, I say to the honourable member for High Park-Swansea, this cost-sharing arrangement will be void and Metro will have to provide its own financing for court security officers beyond the household provincial grants.

**Mr. Fleet:** It's a bill in the provincial interest. You're so parochial, Sam.

**The Deputy Speaker:** Order, please.

**Mr. Cureatz:** The most vocal opposition to this bill comes from police forces. Let me bring

something to the honourable member's attention. He will really like this and I can hardly wait until he puts in his newsletter about his support for Bill 187. Does he know what the Metro Toronto police force has to say? Would anybody like to know what Metro has to say? I know the member for High Park-Swansea would like to know and the honourable member for Hastings-Peterborough would like to know. To the member for High Park-Swansea, representing that portion of Metro Toronto, the Metro Toronto police are outraged—that is o-u-t-r-a-g-e-d—at the extra cost for policing provincial, district and supreme courts. Outraged, and here the member for High Park-Swansea is supportive of this legislation.

They claim that they will now have to pay for all 150 of their court security officers by themselves and that the overall cost of security of the provincial courts alone will cost Metro police some \$7 million to \$8 million a year. I say to the member for Hastings-Peterborough, \$7 million to \$8 million a year. That is what it is going to cost the member for High Park-Swansea's constituency, part of Metro Toronto. His police force is outraged and he is blatantly being led like all the other backbench seagulls of the Liberal Party to believe that this is a wonderful piece of legislation.

I can hardly wait, if I have an opportunity, to speak to the Sunday shopping legislation, because there was the first sign, as the new polls indicated—

**The Deputy Speaker:** Order, please. It is not hard for the Speaker to notice that it is late Thursday afternoon. Will the members respect the standing orders? I would invite the member for Durham East to continue and at the same time to be more careful with his parliamentary language.

**Mr. Cureatz:** What did I say? I said "bunk." I said "outraged." If we look in Erskine May, I say to the Speaker—there was a time when I had the opportunity of memorizing every and each of its 1,236 pages—I think you will see under parliamentary language that I was well within the scope of those kinds of verbal usages. I do not mean particularly to reprimand you, Mr. Speaker, because of course there will be another time at which I will be looking to you for judicious favour in terms of other debate. I will just bring to your attention that your review of Erskine May will no doubt point to the fact that I was well within my parliamentary parameters. That is two Ps, I say to whomever is recording these things.

How about taking a look at other municipal jurisdictions? There used to be a fellow by the name of Bud Germa, the member for Sudbury from around 1975 to 1981. He was defeated by Jim Gordon, another great Conservative member who unfortunately went down to defeat. I keep reminding the member for Sudbury that he should stay in his riding, because he is so far in the back bench that he has more influence remaining in his constituency in Sudbury than he does sitting around here at Queen's Park. I am sure he is taking my advice, because that is the only way he is going to get re-elected. I am going into my backbench speech and, if members can believe it, straying away from the legislation. I will do my best to return to Bill 187.

As Bud Germa used to say, "Let's take a tour of Ontario," if I can use that phrase from my former colleague and NDP member. He used to be a federal member, by the way. We had a lot of interesting discussions on the one or two trips we had across the country.

Here is what Barrie has to say about the increase in police cost to its municipality. Do members know how much it is going to cost Barrie? It is \$306,000. It is not quite as much as the \$7 million or \$8 million, which the member for High Park-Swansea is so supportive of, which Metro police forces are going to have to come up with, but it is still a lot of money for a small community.

**Mr. Fleet:** You haven't got your facts right again, Sam. Sam, you have the wrong numbers for the wrong places.

**The Deputy Speaker:** Order.

**Mr. Cureatz:** What about Cobourg, my favourite town, where my wife and family spent a lot of happy vacation hours, and Colborne, I say to my friend and colleague, for whom I have the highest respect, the member for Northumberland (Mrs. Fawcett)? I can hardly wait until she stands up and she makes her—

And wait till I start talking about garbage again. Members should have seen the Campbellford Herald, front page: "Joan Fawcett demands something be done about landfill site." I will be darned. I am having some influence, I can see. I have the press clipping and I am going to be holding it up so all the honourable members can see what my friend and colleague the member for Northumberland has to say about the landfill site. Interestingly enough, I have not seen her come into the chambers with a seagull and complain to the Minister of the Environment (Mr. Bradley) about the lack of leadership over the garbage

issue in the Golden Horseshoe. That is a speech for another day.

**Mr. Callahan:** On a point of order, Mr. Speaker: The member is not addressing the bill. I think that contravenes the order.

**The Deputy Speaker:** Will the member for Durham East resume his speech and address himself to Bill 187?

**Mr. Cureatz:** I will strain, Mr. Speaker, ever so slightly. I have nothing but the humblest apology for your most judicious decision. I was only sidetracked by my concern over what Cobourg will have to pay for the introduction of this legislation, \$250,000.

**Collingwood:** On the Sunday shopping committee, I say to the chairman of the standing committee on administration of justice, we had that wonderful trip together up to Collingwood. We discussed the facts of life on our automobile trip up through Highway 6 and areas beyond. Do members know what Collingwood has to pay? It is \$133,000—

**The Deputy Speaker:** Order, please.

**Mr. Cureatz:**—and while I have a minute left, my own community of Durham—

**The Deputy Speaker:** Will the member please adjourn the debate?

**Mr. Cureatz:** I would be more than honoured to.

Interjections.

**The Deputy Speaker:** Order, please.

On motion by Mr. Cureatz, the debate was adjourned.

## BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** It is always a pleasure to follow my friend and colleague the member for Durham East (Mr. Cureatz) in the debates of the Legislature. Pursuant to standing order 13, I would like to indicate the business of the House for the coming week.

I want to indicate that, pursuant to our discussion at the meeting of House leaders and whips this morning, I want to repeat what I said at that time: It is the intention of the government to proceed over the next while with the business that attaches to the government notice of motion 20. Of course, we will await the ruling of the Speaker on the point of order raised this afternoon by the Leader of the Opposition (Mr. B. Rae), although, I repeat, the government certainly expects that that ruling will be a positive one.

On Monday, it is our intention, subject to the decision of the Speaker with respect to the point



of order raised by the Leader of the Opposition, to proceed with government notice of motion 20.

I want to observe as well that by a previous order of the House, on Tuesday of next week we will complete in committee of supply the estimates of the Office of the Premier and the Cabinet Office with, I believe, some two hours and 17 minutes remaining. I repeat that by previous order of this House, on Tuesday of next week we will complete the estimates of those two offices.

I want as well to indicate that I am going to leave on the business sheet those items that are contained on our sheet today. I will not bore everyone with those numbers. It is the listing the members have in front of them, including such items as the adjourned debate on this bill, Bill 187, An Act to amend certain Acts as to Police and Sheriffs, and then the second readings of Bill 149, An Act to amend the Trespass to Property

Act; Bill 169, An Act to amend the District Municipality of Muskoka Act; Bill 192, An Act to amend the Municipal Act and certain other Acts related to Municipalities; Bill 197, An Act to amend the Regional Municipality of Sudbury Act; Bill 134, An Act to repeal certain Private Acts related to Municipalities; Bill 135, An Act to amend the Road Access Act; Bill 194, An Act to restrict Smoking in Workplaces; Bill 170, An Act to revise several Acts related to Aggregate Resources, and the adjourned debate on Bill 147, An Act respecting Independent Health Facilities.

On Thursday morning, January 26, in the morning, we will consider private members' business standing in the names of the member for Mississauga West (Mr. Mahoney) and the member for Ottawa West (Mr. Chiarelli).

The House adjourned at 6:03 p.m.

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## MINISTER'S TRIP

**377. Mr. McLean:** Would the Minister of Tourism and Recreation explain the purpose of his recent trip to Seoul, South Korea, during the Summer Olympic Games and provide the following information: how many people accompanied the minister and who they were; the cost of the trip including limousine services, receptions, meals and accommodations; and did the minister hold any receptions and if so, who were they for? [Tabled October 19, 1988]

**Hon. Mr. O'Neil:** The purpose of my trip to Seoul, South Korea, during the Summer Olympics was to provide support for the bid by Toronto for the 1996 Summer Olympic Games; to tour facilities and discuss organization with Korean, TOOC and IOC officials to develop an understanding of the scope and complexity of hosting the Olympic Games; to meet with representatives from other nations to discuss initiatives related to sport, recreation and tourism; and to meet with and provide support to our Olympic team members and witness competitions.

I was able, along with members of the Toronto Ontario Olympic Council (TOOC), to meet many members of the International Olympic Committee and voice our support for the 1996 Summer Olympic Games in Ontario.

During my stay, I met with Cho Sang Ho, Korea's Minister of Sport, to discuss issues

related to the operation of the organizing committee and the hosting of the Olympic Games. As well, I met with agents representing Air Canada and Canadian Airlines and with representatives of the Korean National Tourism Corp., Korea Travel International and Shin-A Travel, to discuss tourism opportunities for travel to Ontario in light of the impending reduction of travel restrictions for South Korean citizens, as well as South Korean concerns about visa requirements for entry into Canada. I also met with the Canadian ambassador to Korea to discuss Korea-Canada-Ontario initiatives. Additionally, I discussed investment opportunities in Ontario with a Korean industrialist.

I toured the Canadian quarters at the athletes' village along with Carol Anne Lethereen, the Canadian Olympic Association's chef de mission. It gave me the opportunity to meet many of our athletes and view first hand their accommodation. As well, I toured the media village and the media centre.

I was accompanied by the deputy minister, Jim Keenan, my executive assistant, and my son, David O'Neil. My son's expenses were paid by me personally.

The total cost of our visit was \$23,513.45. Included in this amount was the portion of the airfare cost that applied to the trip to Japan in light of the Ontario Tourism Mission 1988 initiative. I incurred no expenses for limousine services, nor did I hold any receptions.

## Breakdown of costs

Airfare <sup>1</sup>			
Minister	\$3,339.00		
Deputy minister	3,182.00		
Pamela Gutteridge	3,339.00	9,860.00	
Hotel			
Minister	3,058.96		
Deputy minister	3,218.00		
Pamela Gutteridge	3,300.03	9,576.99	
Meals			
Deputy minister	413.87		
Luncheons/Dinners			
(a) Air Canada luncheon	469.00		
(b) Canadian Airlines			
International luncheon	589.00		
(c) Debriefing dinner	694.00		
(d) Ambassador, embassy staff, delegation,			
Paul Henderson (TOOC), Jim Worral (IOC)	506.00	2,671.87	



**Ground Transportation**

Van rental for whole delegation	1,030.00	1,030.00
<b>Other</b>		
Closing ceremony tickets	206.40	
Gift for Korean host	43.49	
Deputy miscellaneous	124.70	374.59
<b>Total</b>		\$23,513.45

<sup>1</sup>Minister, deputy minister and executive assistant participated in a tourism trade mission to Japan en route to Seoul. The airfare reported above includes Japan trip.

#### WORKERS' COMPENSATION BOARD EMPLOYER AUDITS

**422. Mr. Jackson:** Would the Minister of Labour state how many employer auditors were employed by the client services division of the Workers' Compensation Board as of December 31, 1988, and provide the salary range of each? [Tabled January 4, 1989]

**Hon. Mr. Sorbara:** As of December 31, 1988, the revenue branch had an establishment of 41 auditors, made up as follows: 13 senior field auditors at salary grade 371 (salary range \$573.72 to \$747.34 per week); and 28 field auditors at salary grade 370 (salary range \$444.77 to \$698.75 per week).

**423. Mr. Jackson:** Would the Minister of Labour provide the average cost of a 1987 employer audit by the client services division of the Workers' Compensation Board? [Tabled January 4, 1989]

**Hon. Mr. Sorbara:** In 1987, the average cost of an employer audit by the client services division of the Workers' Compensation Board was \$267.

**424. Mr. Jackson:** Would the Minister of Labour provide the total annual administrative costs, including salaries and benefits, travel and overhead, associated with all employer audits conducted by the client services division of the Workers' Compensation Board for the period January 1, 1987, to December 31, 1987? [Tabled January 4, 1989]

**Hon. Mr. Sorbara:** The total annual administrative costs associated with the employer audit program conducted by the client services division of the Workers' Compensation Board for the period January 1, 1987, through December 31, 1987, were \$2,980,300.

#### RESPONSES TO PETITIONS

##### TEACHERS' SUPERANNUATION

Sessional paper P-22, re teachers' superannuation.

**Hon. Mr. Ward:** The issue of providing a pension based on "best five" years' service retroactively to those who have already retired must be viewed in the context of the overall financial situation of the teachers' pension plan. It should be noted that when this issue was referred to the Public Sector Pensions Advisory Board in 1986, the board reviewed the matter and recommended against this change.

More recently, the Slater report on teachers' and public service pensions has concluded that under the best possible circumstances, current contributions and investment income are insufficient to provide the current level of pension indexation. Further, the report found that this situation has occurred for benefits that arose from past service, and if nothing is done, will occur in respect of future service. These findings are consistent with earlier reports by Laurence Coward and Malcolm Rowan. Indeed, the Coward report measured the unfunded liability with respect to teachers' indexation benefits at almost \$7 billion.

The government sees the matter of unfunded liability as requiring urgent disposition and is committed to finding a resolution that is fiscally prudent and fair to current contributors and future taxpayers. At the same time, the government has indicated its willingness to pursue real reform in the pension arrangements.

To this end, a working group on teachers' pensions has been established which includes representatives of the Ontario Teachers' Federation. The "best five" matter is among the issues being discussed by the working group. The working group has been instructed to present recommendations as to how to proceed in the near future so that the implementation arrangements to resolve the funding situation can be included in the next provincial budget.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breough, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in  
 each issue. Lists of the members of the executive  
 council, parliamentary assistants and members  
 of committees, brought up to date as necessary,  
 are published in Hansard in the first and last  
 issues of each session and on the first sitting day  
 of each month.

## CONTENTS

**Thursday, January 19, 1989**

### **Private members' public business/Affaires d'intérêt public émanant de simples députés**

<b>Access to banking services</b> , resolution 54, Mr. Morin, Mr. Allen, Mrs. Cunningham, Mr. Offer, Mr. Farnan, agreed to .....	7389
<b>Accès aux services bancaires</b> , résolution 54, M. Morin, M. Allen, Mme Cunningham, M. Offer, M. Farnan, adoption de la motion .....	7389
<b>Agriculture in the Classroom program</b> , resolution 56, Mr. Reycraft, Mr. Wildman, Mr. Villeneuve, Mr. Miller, Mr. Hampton, agreed to .....	7397

### **Members' statements**

<b>Developmentally handicapped</b> , Mr. Farnan .....	7408
<b>Eastern Ontario</b> , Mr. Villeneuve .....	7408
<b>St. Catharines city council</b> , Mr. Dietsch .....	7408
<b>Workers' compensation</b> , Mr. Laughren .....	7409
<b>District of Parry Sound</b> , Mr. Eves .....	7409
<b>General Tire Canada Ltd.</b> , Mr. Owen .....	7409
<b>Architectural technologists</b> , Mr. Philip .....	7410

### **Statements by the ministry/Déclarations ministérielles**

<b>Public sector pension plans</b> , Hon. R. F. Nixon .....	7411
<b>Workers' compensation</b> , Hon. Mr. Sorbara .....	7414
<b>Indemnisation des accidents du travail</b> , l'hon. M. Sorbara .....	7414

### **Responses**

<b>Workers' compensation</b> , Miss Martel .....	7414
<b>Public sector pension plans</b> , Mr. B. Rae .....	7415
<b>Workers' compensation</b> , Mr. Sterling .....	7416
<b>Public sector pension plans</b> , Mr. Runciman .....	7416

### **Oral questions**

<b>Hospital services</b> , Mr. B. Rae, Hon. Mrs. Caplan .....	7419
<b>Brewery merger</b> , Mr. B. Rae, Hon. Mr. Peterson .....	7420
<b>Time allocation</b> , Mr. Brandt, Hon. Mr. Conway .....	7420
<b>Municipal funding</b> , Mr. Brandt, Hon. Mr. Eakins .....	7422
<b>Land records</b> , Mr. Farnan, Hon. Mr. Peterson .....	7423
<b>Community safety</b> , Mrs. Cunningham, Hon. Mrs. Caplan .....	7424
<b>Land records</b> , Mr. Kanter, Hon. Mr. Wrye .....	7424
<b>Construction safety</b> , Mr. Mackenzie, Hon. Mr. Sorbara .....	7425
<b>Land stewardship program</b> , Mr. Villeneuve, Hon. Mr. Riddell .....	7426
<b>Homemakers' pensions</b> , Ms. Poole, Hon. R. F. Nixon .....	7426
<b>Native hunting and fishing rights</b> , Mr. Pouliot, Hon. Mr. Scott .....	7427
<b>Services for hearing-impaired</b> , Mr. J. M. Johnson, Hon. Mr. Sweeney .....	7427
<b>Court facilities</b> , Mr. McGuigan, Hon. Mr. Scott .....	7428
<b>Assistance for the disabled</b> , Mr. Philip, Hon. Mr. Mancini .....	7428
<b>Small food processors' assistance program</b> , Mr. Pollock, Hon. Mr. Riddell .....	7429



**Petitions**

<b>Retail store hours</b> , Mr. J. M. Johnson, tabled .....	7437
<b>Teachers' superannuation</b> , Mr. Haggerty, tabled .....	7437
<b>Home care</b> , Mr. D. R. Cooke, tabled .....	7438
<b>Retail store hours</b> , Mr. D. R. Cooke, tabled .....	7438

**Motion**

<b>Private members' public business</b> , Hon. Mr. Conway, agreed to .....	7438
--	------

**First reading**

<b>Health Protection and Promotion Amendment Act</b> , Bill 202, Mrs. Grier, agreed to ....	7438
---	------

**Second reading**

<b>Police and Sheriffs Statute Law Amendment Act</b> , Bill 187, Hon. Mr. Scott, Mr. Sterling, Mr. Breaugh, Mr. J. M. Johnson, Mr. McLean, Mr. Hampton, Mrs. Cunningham, Ms. Bryden, Mr. Villeneuve, Mr. Pollock, Mr. Philip, Mr. Cureatz, adjourned .....	7438
--	------

**Answers to questions in Orders and Notices**

<b>Minister's trip</b> , question 377, Mr. McLean, Hon. Mr. O'Neil .....	7454
<b>Workers' Compensation Board employer audits</b> , questions 422 to 424, Mr. Jackson, Hon. Mr. Sorbara .....	7455

**Response to petition**

<b>Teachers' superannuation</b> , sessional paper P-22, Hon. Mr. Ward. ....	7455
---	------

**Other business/Divers**

<b>Recess</b> .....	7407
<b>Time allocation</b> , Mr. B. Rae, Mr. Speaker .....	7410
<b>Ukrainian Independence Day</b> , Mr. Ruprecht, Mr. Philip, Mr. Cousens .....	7410
<b>Member for Brant-Haldimand</b> , Mr. Brandt, Mr. B. Rae, Hon. Mr. Peterson, Hon. R. F. Nixon .....	7416
<b>Le député de Brant-Haldimand</b> , M. Brandt, M. B. Rae, l'hon. M. Peterson, l'hon. R. F. Nixon .....	7416
<b>Time allocation</b> , Mr. B. Rae, Hon. Mr. Conway, Mr. Brandt, Mr. Sterling, Mr. Speaker.	7429
<b>Business of the House</b> , Hon. Mr. Conway .....	7452
<b>Adjournment</b> .....	7453
<b>Alphabetical list of members</b> .....	7456













No. 133

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
Monday, January 23, 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

---

Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan

## **CONTENTS**

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, January 23, 1989

The House met at 1:30 p.m.

Prayers.

## HOSPITAL SERVICES

**Mr. B. Rae:** On a point of order, Mr. Speaker: Could I correct the record? Is this a good time to do so?

On Thursday, in the question that I asked to the Minister of Health (Mrs. Caplan), I gave her and the House some information which, upon further consultation with the Ontario Hospital Association and the Hospital Council of Metropolitan Toronto, was incorrect. I want to apologize to the House for doing that. It happened because of the information that was given to us by the OHA, which was obviously misunderstood.

I regret having done so and I want to apologize to the House, but I might also add that I regret as well that the Toronto hospital council has told us today that it is not going to give us the latest survey. It was instructed not to give us the latest survey. I might just add, that does make our task a little bit more difficult.

I do apologize to the minister and the House for having goofed on Thursday.

## TIME ALLOCATION

**Mr. Speaker:** I would just like to inform the House that on Thursday last, the Leader of the Opposition (Mr. B. Rae) raised a point of order with respect to government notice of motion 20 standing in Orders and Notices in the name of the government House leader.

The Leader of the Opposition argued that government notice of motion 20, which proposes to fix the amount of time for further proceedings on Bill 113, An Act to amend the Retail Business Holidays Act, and Bill 114, An Act to amend the Employment Standards Act, is not in order because it proposes to allocate time to the consideration of two bills and because it proposes to allocate time to prospective stages of legislation which the House has yet to reach.

The argument of the Leader of the Opposition was supported by the member for Carleton (Mr. Sterling) and opposed by the government House leader.

Over the weekend, I had an opportunity to review the arguments of the three members, the

standing orders, the decisions of Speaker Turner on December 8, 1982, February 15, 1983, and June 25, 1984, and the parliamentary law texts, and also had the opportunity to discuss the matter with other presiding officers from across Canada.

Before I discuss the arguments raised, let me begin by stating that I believe it is important that the House clearly understand the nature of an allocation of time motion. Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, 20th edition, at pages 454 and 455 states:

"In many sessions in order to secure the passage of particularly important and controversial legislation, governments have been confronted with the choice, unless special powers are taken, of cutting down their normal program to an undesirable extent, or of prolonging the sittings of Parliament, or else of acknowledging the impotence of the majority of the House in the face of the resistance of the minority.

"In such circumstances resort is had sooner or later to the most drastic method of curtailing debate known to procedure, namely, the setting of a date by which a committee must report, or the allocation of a specified number of days to the various stages of a bill and of limited amounts of time to particular portions of a bill.

"Orders made under this procedure are known as 'allocation of time' orders, and colloquially as 'guillotine' motions. They may be regarded as the extreme limit to which procedure goes in affirming the rights of the majority at the expense of the minorities of the House, and it cannot be denied that they are capable of being used in such a way as to upset the balance, generally so carefully preserved, between the claims of business and the rights of debate.

"The allocation of limited amounts of time to the stages of bills, and occasionally other kinds of business, forms no part of the general procedure of the House, but is applied in each case to a particular bill (or several bills jointly) or other specified business by a special order."

The House has adopted the standing orders which are the permanent rules for the guiding and the control of the House in the conduct of its business. The standing orders do not form a

complete code of procedure for the House to discharge its functions. They may be supplemented from time to time by sessional orders or special resolutions to facilitate the progress of business through the House. The standing orders are not safeguarded by any special procedure against amendment, repeal or suspension. They are passed by the House by a simple majority and may be altered, supplemented or deleted by a simple resolution in the same way.

Standing order 40(a) provides that: "A substantive motion is one that is not incidental to any other business of the House, but is a self-contained proposal capable of expressing a decision of the House. Examples of such motions are: the motion for an address in reply to the speech from the throne, the budget motion, want of confidence motions in allotted sittings, resolutions, motions for returns or addresses, and motions for the appointment of committees." The list of examples of substantive motions set out in this standing order is not exhaustive.

Further, clause 40(c) of the standing orders states, "Such motions require notice and must be submitted to the Speaker in writing when moved, before being put to the House for debate." It has been settled that a motion for the allocation of time is a substantive motion and may be moved upon proper notice being given.

In the case at hand, I am satisfied that the requirement that notice be given has been met. I am left to decide, first, whether two or more bills may be the subject of a motion for time allocation. In the Ontario Legislature, time allocation orders have only been made on four occasions and in all cases applied to allotting time to the consideration of the remaining stages of one bill. In contingencies not provided for, standing order 1(b) provides that the Speaker "shall base his decision on the usages and precedents of the Legislature and parliamentary tradition" so far as they may be applicable. I have therefore looked to the precedents and practices of this House and other jurisdictions to determine if they provided any guidance.

On January 9, 1986, this House agreed by unanimous consent to permit the motions for second reading of three related bills to be moved together and for the bills to be debated together. Although this motion was passed by unanimous consent on that day, it still represents the will of the House and this does not take anything away from the absolute right of the House to determine its own procedure.

1340

In the House of Commons at Westminster, precedent has been established to allocate time in one motion to several bills jointly. Most recently, at the end of the last session, a time allocation order dealt with two unrelated bills dealing with school boards in Scotland and firearms. In 1975-76, five unrelated bills were the subject of three time allocation orders passed on one day.

Although the standing orders speak of "the allocation of time to any proceedings on a bill," the rule has not been interpreted to prevent a time allocation order from allocating time in one motion to more than one bill.

J. A. Pettifer, in *House of Representatives Practice*, notes that it is not unusual, to meet the convenience of the Australian House of Representatives, for the rules to be suspended to enable related bills to be considered together.

The standing orders specifically provide for allocation of time, speaking of the time allotted to various stages "of the bill." This has not been interpreted, however, as preventing the allocation of time to a group of bills.

Having weighed the arguments of honourable members and the precedents and practices of this House and other legislatures, I must advise the House that I am persuaded that the motion in Orders and Notices is in order, even though it provides for the allocation of time to the consideration of two bills.

Finally, I must consider whether the motion is out of order because it proposes to allocate time to prospective stages of legislation which the House has yet to reach.

The very purpose of a motion to allocate time is to allot a specified number of days or hours to the proceedings at any one or more stages of any bill. This includes proceedings at the stage at which the legislation is currently before the House and proceedings at remaining stages for consideration of the legislation.

The time allocation orders passed by this House in 1982, 1984 and 1986 each specifically allotted time to the stage at which the bills under consideration stood in Orders and Notices. The orders also applied to the remaining stages for consideration of the bills.

Members might be guided by the Canadian House of Commons in this matter. In December 1988, Parliament was called into session to deal with only one bill. That was the bill relating to the free trade agreement between Canada and the United States of America. The Canadian government in this case introduced a notice of motion setting out a time schedule for the consideration of the bill and suspending a number of standing



orders. This notice of motion did not stem from the House of Commons standing order specifying allocation of time. This notice of motion fell into exactly the same category as the notice of motion which the government House leader is seeking to introduce, except that it went much further and was seeking to set out a special procedure as well as a time allocation for the whole process relating to the free trade bill.

Faced with a point of order on this question, Speaker Fraser decided that it was in order for such a motion to be introduced as it is always in order for the House to make the appropriate decisions relating to its procedures.

I therefore find government notice of motion 20 to be in order.

In addition to questioning whether the motion is an abuse of the standing orders, both the Leader of the Opposition and the member for Carleton questioned whether the rights of the minority have been infringed.

In my opinion, government notice of motion 20 does not infringe the rights of the minority.

Both the minority and the majority have rights. As your Speaker, I have a particular duty to protect the rights of minorities; but, in the exercise of my impartiality, I must not lose sight of the rights of the majority. When I was first elected Speaker on June 4, 1985, and when I was re-elected Speaker on November 3, 1987, I pledged to safeguard the rights and privileges of each of you and to serve with fairness, firmness and impartiality. This pledge continues to be of paramount importance to me.

**Mr. D. S. Cooke:** Mr. Speaker, on a point of order—

**Mr. Speaker:** The member for Windsor-Riverside has a point of order. However, I made a ruling. I will remind the honourable member that it is not possible to debate the ruling, but to challenge it.

**Mr. D. S. Cooke:** I understand that. I understand that I cannot debate or give reasons. I do appreciate the fact that your decision today has obviously been given a great deal of thought, but we cannot live with that decision and we must express our opposition to that decision. Therefore, I challenge the chair's ruling.

**Mr. Speaker:** The member for Windsor-Riverside has challenged the ruling of the chair. I will put the motion. Shall the Speaker's ruling be sustained?

1414

The House divided on the Speaker's ruling, which was sustained on the following vote:

## Ayes

Adams, Beer, Black, Brandt, Brown, Callahan, Campbell, Caplan, Carrothers, Chiarelli, Collins, Conway, Cooke, D. R., Cordiano, Cousens, Cunningham, Curling, Daigeler, Elliot, Elston, Eves, Faubert, Fawcett, Fleet, Fontaine, Grandmaitre, Harris, Hart, Henderson, Hošek, Jackson, Johnson, J. M., Kanter, Kerrio, Kozyra, Kwinter, Leone, Lipsett, Mahoney, Mancini, Marland, Matrondola;

McCague, McClelland, McGuigan, McGuinity, McLean, McLeod, Miclash, Miller, Morin, Neumann, Nixon, J. B., Nixon, R. F., Offer, O'Neil, H., O'Neill, Y., Owen, Pelissero, Peterson, Phillips, G., Pollock, Polsinelli, Poole, Ramsay, Riddell, Ruprecht, Scott, Smith, D. W., Smith, E. J., Sola, Sorbara, South, Sterling, Stoner, Sullivan, Sweeney, Tatham, Velshi, Ward, Wilson, Wong, Wrye.

## Nays

Allen, Bryden, Cooke, D. S., Farnan, Grier, Hampton, Mackenzie, Martel, Philip, E., Pouliot, Rae, B., Reville, Wildman.

Ayes 83; nays 13.

## MEMBERS' STATEMENTS

### ASSISTANCE FOR THE DISABLED

**Mr. Philip:** The Minister of Transportation (Mr. Fulton) and the Minister without Portfolio responsible for disabled persons (Mr. Mancini) have shown insensitivity to those volunteer groups providing transportation for disabled people.

In February 1987, the Metro commissioner of roads and traffic rejected an Etobicoke council recommendation to amend bylaw 200-83 to allow volunteer organizations providing transportation to the handicapped to receive disabled parking permits. The reason given was that a provincial system would soon be in place.

Now the Minister of Transportation has brought down a policy that will issue disabled parking licences only to companies and organizations that are primarily in the business of providing transportation or care of disabled people. This means excluding organizations such as Care-Ring for Rexdale which has 40 volunteers who drive disabled people.

The government's response to my question last week was that a disabled person can have a portable permit. This fails to take into account the fact that many of the clients serviced by organizations such as Care-Ring for Rexdale—

Interjections.

**Mr. Speaker:** Order.

**Mr. Philip:**—have limitations that will make it difficult for them to apply and use their own portable disabled parking permits. Once again, the government is not listening. I urge the Peterson government to reconsider its rigid and unreasonable position on this matter.

Interjections.

**Mr. Speaker:** Order. I think it would only be fair to listen to the members who are making their statements.

1420

### RETAIL STORE HOURS

**Mrs. Cunningham:** At this very moment, concerned citizens of London Centre are standing on the constituency office doorstep of the Premier (Mr. Peterson) protesting extended Sunday shopping, and more important, Sunday working.

In 1987, the Liberals promised Ontario voters an open government. They also promised a common day of pause. They have broken both promises. An open government to Liberals means travelling the province, asking the people of Ontario their views on Sunday shopping and then returning to Queen's Park and passing the buck to the municipalities. The Liberal idea of open government means spending thousands of taxpayers' dollars on open, public hearings and then doing as they like. This Liberal government has a lot of important work to do. If it believed in open government, it would withdraw Bill 113 and Bill 114 and support family life in this province.

The citizens of Ontario want a healthy environment, good health care and schools for their children. They do not want Sunday shopping. Families do not support more Sunday working. They do want a common day of pause.

Why does this Liberal government insist on forcing through such unpopular legislation? Nobody knows.

### PETERBOROUGH CITY-COUNTY DISASTER TRUST FUND

**Mr. Adams:** I attended the annual meeting of the Peterborough city-county disaster trust fund. Founded in 1980 by Alderman Gord Holnbeck, the trust fund provides immediate assistance to disaster victims. In the past year, 37 families were helped by this dedicated group of volunteers.

The fund committee is composed of 35 members who ensure that whenever assistance is required following a fire, flood or other disaster, help is there. A member of the committee is present at the scene to provide moral support, make emergency accommodation arrangements and provide immediate financial help of up to \$500. Since its inception in 1980, the fund has helped over 290 families, representing 843 people.

The trust fund is supported by private business, community service clubs and individual contributions. The fund is now close to being fully endowed. It is an excellent example of the sophisticated network of support the Peterborough community provides those in need.

I was pleased to attend the presentation of awards to Rod McLeod, Carl Prince and Dan Fisher of Direct Tire Inc.; Kevin Ross of O'Toole's Restaurant; Ford Best of CHEX; Judy Gibson, Chair Bear of Peterborough Teddies, and Connie Nicholson of city hall. All of these individuals merit our support.

### EMPLOYMENT EQUITY

**Mr. Mackenzie:** Over the weekend, I read with a great deal of concern in our local papers about the recent layoff of Cathy Gibson. Ms. Gibson, as the members will know, is an employee of the Royal Ontario Museum who was laid off from the job she has held for better than 17 years. As well as being a loyal employee, well-liked by her co-workers, Ms. Gibson happens to be disabled.

Although 23.5 jobs were eliminated in the recent cutbacks, 18 of those were vacant positions, and jobs were found for all but three of those affected. Her union is fighting on her behalf and has filed a complaint with the Ontario Human Rights Commission, charging she has been discriminated against because of her handicap. Whether that turns out to be the case or not, I think all members of this House should not feel any happier than I did about the stories that emerged over the weekend of the layoff of Ms. Gibson.

It seems to me that this government, which has been talking for a long time about strong affirmative action programs when it comes to the handicapped and disabled in our society, is going to stand condemned if this situation is allowed to continue. How do you take a loyal employee, with better than 17 years' service, who is disabled and so callously toss her aside? I think it is a sad day for the commitment to affirmative



action programs in Ontario to allow this to happen.

### YORK REGION LAND DEVELOPMENT

**Mr. Cousens:** Several months ago, along with my caucus colleagues, I called upon this government to establish a public inquiry into questionable planning practices in York region. This issue was raised on a number of occasions in this House, as well as in committee during the estimates for the Ministry of Municipal Affairs.

Our party felt this matter was significant enough to provoke an emergency debate in this chamber. To date, the only response from this government has been that an Ontario Provincial Police investigation is under way. Little is known as to when this investigation will be completed. Serious questions remain.

Residents of my community and the surrounding areas are deeply concerned with the happenings in York region and they are frustrated with the lack of answers. In the fall of last year, I circulated a newsletter to my constituents dealing with these grave matters. Included in this newsletter was a section whereby members of my community could petition this government to conduct a full and open public inquiry into the municipal planning processes and land development practices in York region in high-growth areas.

Concerned individuals from outside my riding have also responded. So far I have received over 500 petitions, which I will begin to table in this House today. No one has expressed opposition to the need for a public inquiry except the Premier (Mr. Peterson). The people of York region deserve some answers, and in tabling these petitions I will ensure that they will be heard.

### WASTE MANAGEMENT

**Mr. Tatham:** The rule of thumb is that one tire per person is discarded each year. Solid waste management is one of the top priorities for municipal officials. Used tires are not welcome at landfill sites.

Retico Rubber Inc. of Ayr, Ontario is now able to shred and crumb rubber tires. This is a sample of rubber crumb. The little white spots are whitewalls. Then they take the rubber crumb and manufacture different products: mats suitable for homes, playgrounds and farm stables. Here is a sample of a mat that contains rubber from approximately two small tires. They charge \$2 a tire to receive them and they can handle up to 4,500 tires a day.

If markets can be found for the rubber crumb and the resultant products, society will benefit by converting a liability into an asset.

### HOMES FOR THE AGED

**Ms. Bryden:** I would like to draw to the attention of the Minister without Portfolio responsible for senior citizens' affairs (Mrs. Wilson) that for the second time in less than a month a senior from a retirement home or an old folks' home has frozen to death. I think this indicates the tremendous need for legislation on retirement homes and for careful investigation of the rules for patients in homes for the aged, because this must not be allowed to happen again.

It appears there were inadequate alarm systems or the alarm systems were not checked adequately after the alarm went off, and the person was outside, unable to get back in, without her coat on and was found frozen to death at 5 a.m. the next day.

I hope the minister will look into the matter as soon as possible.

### CRASH OF AIR AMBULANCE

**Mr. McLean:** My statement is directed to the Minister of Health (Mrs. Caplan). It concerns the November 29 crash of the air ambulance near Chapleau, Ontario, which killed an Orillia paramedic and three other men. Local newspaper reports indicate the ministry was aware of Voyageur Airways' record of 12 serious accidents and 10 crashes this decade, and yet the ministry still contracted with this carrier to assume the air ambulance service last fall.

I believe it is time there were an immediate inquiry into this tragic accident.

**Hon. R. F. Nixon:** We ask for unanimous consent in order that the House may respond to the news of the death of Farquhar R. Oliver, a former member of this chamber.

Agreed to.

### FARQUHAR R. OLIVER

**Hon. R. F. Nixon:** It is with the greatest regret that I respond on behalf of my colleagues to the news of Mr. Oliver's death. He was an extremely close and good friend of myself and a number of my colleagues who are long-serving, and of course, of all the members of our family.

He was elected first to this House in 1926 when, at the age of 22, he was then by far the youngest man or woman elected to Parliament or any legislature. It is interesting to note that his formal education came to an end at age 13, but by

assiduous personal education through all his life, he always maintained a most complete and personal knowledge of the issues and the factual background of the unfolding universe.

This was coupled with the most amazing ability, not only to convey this information but in the way he ordered his thoughts in response to the information. Many times he was heard in the Legislature and right across the province responding to the most intricate issues, some of them the most sensitive that could be imagined, and yet his views were always moderate and well informed.

It is of much lesser importance, but I think of interest to all of us, that he was always able to convey those views without elaborate notes or script, and always in the most coherent way imagined. His grammar was perfect and his views were expressed in a compelling way which I think reflected the orderliness of his own mind.

### 1430

He always had the greatest of good humour and moderation, and particularly that latter may have been one of the reasons he never became Premier, even though he was the Leader of the Opposition on at least two occasions, and on a number of other occasions because the leadership seemed to become vacant quite regularly. It is a great regret to me, frankly, that over his lengthy career of 41 years in this House, he never led the government.

I think we should be aware, however, that although he was first elected as a supporter of the United Farmers of Ontario, he moved on to support the Liberal Party and entered the cabinet in about 1940 under the premiership of Mitchell Hepburn.

He was a very close personal friend and confidant of my father. The two of them had a rural background and membership in the Ontario farmers' party at that time, which meant that they were, of course, very much aligned in their views on politics and community matters.

There is much to be said, I am sure, by those of us who have experienced his qualities as a man. He was always frank and ordinary, if I may use that word. There was never any attempt by him to separate himself from the crowd, except that he always was simply because his abilities transcended most of those that we have experienced in public life over these many years.

I do not think it is an invidious comparison to say that, from my point of view, I have never heard a more compelling public speaker. Long before we had electronic assistance to our speeches, he could be heard in every corner of

this chamber, and often in the far recesses of this building when he was so moved.

The man's personal capabilities meant that he had friends in all parties and among the public service. He was even known to enjoy a hand of cards during late night sessions when the contributions from the government side became just insupportable and he had to do something constructive with his time.

Since his retirement some years ago from active politics, he has maintained his interest in his own community. His wife, Maymie, was certainly by his side during all those years of his political endeavours and they were a fine couple, good friends and therefore a good example in that respect and many others to all of us. Although I understand he has been ill for a few months, the latter part of his illness was mercifully brief and he passed away over the weekend.

I know we would join in sending our sympathy to Maymie and his family and his many friends in all parts of the province. He is truly a historic political personage whose example to all of us is extremely important. There are many here who do not know much about him, but it would be worth while for them to pick any of his speeches over those years and read and learn.

**Mr. B. Rae:** I am delighted to be able to add my words to the Treasurer's, particularly immediately following what he has just said because I have done that. I did not know Mr. Oliver, although I had heard a great deal about him. In fact, I think I first heard about him from my predecessor, the member for York South, Donald MacDonald, who served in opposition with Mr. Oliver.

As I heard the Treasurer speak today, knowing the friendship he has had with Mr. Oliver and with the Oliver family, I wanted to take the opportunity to read a speech of Mr. Oliver's, which I did. It is the last speech he gave in the Legislature in 1967, his retirement speech, and I would commend it to all the members of the House.

The Treasurer has spoken of his career. I think if you read any of Mr. Oliver's speeches, and I had a chance this morning to read two or three, you get a feeling, first of all, of the gusto with which he spoke; of the humour with which he always spoke, whether it was a budget speech or any other kind; and as the Treasurer has already said, of the extraordinary range of his interests when the House sat for a shorter time, as it did in those days, and covered a wider range of issues. Of course, being in opposition for as long as he was, he developed that capacity which all of us in



opposition are required to develop—some of us far greater than others—of some sense of what is going on in a whole range of ministries.

In his last speech in the Legislature in 1967, Mr. Oliver had many interesting things to do. First of all, he observed that royal commissions should not sit for ever. They should be very brief and very specific. He thought that nobody should be allowed to speak in the House from a text, that everybody should be speaking extemporaneously and that the Speaker should enforce that rule very vigorously. He thought that the budget of \$2.2 billion was too big and that it needed to be cut back.

He had a particular complaint to make about the burden of property taxation under that administration at that time when Mr. Robarts was the Premier. It was with great pride that he announced to the House in 1967 that it was the policy of the Liberal Party—in order to relieve some of this burden on the municipal taxpayer, which he was announcing on behalf of the party as part of the election campaign, because members will recall there was an election in 1967—to pay 80 per cent of the cost of education in the province. I am sure that as Mr. Oliver observed the debates that took place in the House since that time, he watched with interest the commitment of the current Liberal administration to that particular promise that was made in 1967.

The speech also had much to say about the changes that had happened in the province while he was in politics. As the Treasurer said, he came in when he was 22 and retired at a relatively young age of 63, after having been in politics for 41 years. He was 32 years in opposition; he was nine years in government. He served the people of this province well, as someone who was very much on the progressive side of the debates on many issues, together with Mr. Croll, who fortunately for all of us is still very much with us and very much actively involved in these debates. He was one of those in the Hepburn administration who pressed hard on behalf of collective bargaining at a time when that was controversial and difficult. His views were progressive and well expressed and, as I say, always expressed with great humour and commitment.

We on our side celebrate this remarkable life of Farquhar Oliver. We send our deepest sympathy to his family. Perhaps I could recall the words I have quoted on other occasions, that we should not so much mourn the passing of Farquhar Oliver as celebrate together the fact that

he was with us for so long and with such distinction.

**Mr. Brandt:** On behalf of my caucus, I would like to join my colleagues in marking this very sad occasion. Unlike the Treasurer, who is much, much older than I, I have not had the opportunity to meet Farquhar Oliver on a personal basis and cannot quite offer the House some of the anecdotal observations of times past. But I think we are all in agreement in this House that we have lost a very distinguished individual and certainly a tremendously competent and long-serving parliamentarian.

Farquhar Oliver at the age of 22 became the youngest person to be elected to the Ontario Legislature where he served continuously, as the Treasurer mentioned, from 1926 to 1967, fully 41 years of dedicated service to his Grey county constituents and to the people of Ontario whom he loved so dearly. As well, he served as his party's leader and as Leader of the Opposition.

Mr. Oliver did, in fact, hold a number of cabinet posts in Ontario, Public Works and Welfare, and pioneered in this province a matter that we deal with on a regular basis, virtually daily in this House, the establishment of homes for the aged in Ontario. It was at the dedication of a wing of the new Rockwood Terrace Home for the Aged in 1984 that a former cabinet minister, Frank Drea, who was then the Minister of Community and Social Services, said of Mr. Oliver: "This man did an admirable job in devoting his life to help people. It is an inspiration for many and a tribute to one of the premier orators in the history of the Ontario Legislature to have this wing named in honour of him."

#### 1440

I would like to say that on this occasion we should not perhaps mark this particular event only with words of sorrow, but rather let us join together to remember the greatness that this one man brought to the province that he loved so dearly and the contribution he made towards what I am sure we will all agree is a better quality of life in Ontario, a more humane society, a more caring society, because he in fact dedicated the largest portion of his life to serving the province in a most effective and admirable fashion.

**Mr. Speaker:** As is the usual custom, as soon as Hansard is printed I will of course make certain that a copy is sent to the Oliver family members, so that your words of sympathy are transferred to them.

## STATEMENTS BY THE MINISTRY

## ONTARIO HYDRO

**Hon. Mr. Wong:** Today I look forward to introducing a comprehensive set of amendments to the Power Corporation Act. In the November 1987 throne speech, the government undertook to encourage energy conservation and greater public input into the development of energy policy. Part of this undertaking included a commitment to review the Power Corporation Act and amend it to ensure that Ontario Hydro is in position to be more responsive to government policies and public priorities. Today, we meet this commitment.

Ontario Hydro is North America's largest electric utility and the largest nonfinancial corporation in Canada, with assets of \$33 billion. It has a total generating capacity of close to 30 million kilowatts and a fine international reputation. As reliable as Hydro has been, the government believes that our relationship with Ontario Hydro must be brought up to date. That is why the government has undertaken the first major review of this act in 15 years.

Since this government made its initial commitment to improve Hydro's responsiveness, I am pleased to report that we have taken a number of important steps towards achieving this goal. We have initiated reviews of Ontario Hydro's Draft Demand/Supply Planning Strategy, known as the DSPS. These reviews, one completed by a dozen government ministries and one completed by an independent technical advisory panel, looked at a number of factors that are clearly high on the government's and the public's list of concerns.

This is the first time in the history of our relationship with Ontario Hydro that the government has taken a Hydro plan and placed it under such an intensive examination, and I can assure the House that it will not be the last.

In its review, the Electricity Planning Technical Advisory Panel to the Minister of Energy recommended a thorough inquiry be made into Candu nuclear costs. We have done so. I hope to receive the report by the end of the month.

The government made a commitment to address public concerns about nuclear safety. We have done this. Last spring, I tabled a thorough report on the safety of Ontario's nuclear reactors written by Professor Kenneth Hare of the University of Toronto.

The government made a commitment to make environmental issues a high priority as we plan our energy future. We have done so. Restrictions placed on Hydro's acid gas emissions, through

our Countdown Acid Rain program, are one example. By the end of this month, Hydro will be submitting its plan for further acid gas reduction.

We said that we would take action on energy efficiency and conservation. We have done so. Last year, the government passed the Energy Efficiency Act, the first such legislation in Canada. When Ontario Hydro prepared a plan for electricity conservation, efficiency and parallel generation, it identified targets of up to 5,500 megawatts by the year 2,000. This is encouraging, but I have directed Hydro to leave no stone unturned to achieve even higher targets through vigorous pursuit of efficiency initiatives and private generation.

As we continue to explore our energy options, we will continue to examine both the broader social and environmental issues involved and our mandate to ensure secure energy supplies in the future.

Today, the legislative package I am introducing is the next step the government is taking to ensure that Hydro is properly positioned to meet our goal of reliable electricity supplies, achieved in a socially and environmentally sound manner. I believe this package represents the essence of responsible legislation. The government has made changes where it identified a need for change.

The proposed package clearly establishes the government's role to outline the policy framework within which the utility operates. Government now has the authority to issue policy statements that Hydro shall respect on matters relating to Hydro's exercise of its duties and the authority to require Hydro to submit its plans and reports for review. The government is also improving Hydro's responsiveness by ensuring that future appointments to the Hydro board of directors, including the chairman's position, are reviewed by a legislative committee.

A key amendment to the act requires Ontario Hydro to sign a new memorandum of understanding with the government. Consistent with this amendment, I am tabling a new memorandum which takes effect when this legislation is passed. This memorandum has a three-year term and can be amended earlier. It goes well beyond previous memoranda between the government and Hydro.

One of the most important issues addressed by the memorandum, or agreement, is the information flow between Hydro and government. Energy decisions must be based on complete and current information. This memorandum requires that Ontario Hydro will provide the government



with all necessary information on a timely basis to ensure that we, the legislators, can make the best possible decisions about Ontario's energy future.

The memorandum sets out a new system of consultation and reporting that gives government early access to Hydro's planning information for review and comments. The formation of a Hydro committee comprised of a number of senior ministers and the Premier is an important feature of this new system. The committee will meet at least four times a year with Hydro's chairman and president to ensure that Hydro is aware of and responds to a wide set of government concerns.

Under the new memorandum and in the amendments, we have addressed the important areas of conservation and parallel generation by removing legislative roadblocks and by giving Hydro the capacity to provide incentives for these initiatives. The government will play an active, ongoing role in assessing targets for conservation and parallel generation and by evaluating the effectiveness of the methods of attaining these targets.

Hydro must ensure that its programs are developed in a manner compatible with the government's environmental goals, including goals to improve air and water quality through lowered emissions. Hydro must provide the ministers of Energy and of the Environment with reports on its initiatives and targets for environmental protection.

The agreement contains other important provisions on environmental matters. Hydro agrees to continue to work with the federal government towards resolution of issues associated with nuclear decommissioning and the disposal of nuclear waste.

Also, the agreement ensures that Hydro will identify lands surplus to its present or future needs and grant the government first right of refusal to purchase such lands for Housing First initiatives. Hydro is an important instrument of economic development, a fact noted by the Premier's Council and which is addressed in the new memorandum, particularly in the section dealing with strategic procurement.

The amendments to the Power Corporation Act also contain sections designed to preserve the government's ability to carry out energy policies for the good of Ontario and Canada under the free trade agreement. Those sections reassert Ontario's traditional and constitutional rights in electricity matters.

They provide that Ontario and Canadian consumers will have their electricity needs met on a priority basis. Electricity will be contracted for export only when it is surplus to our needs and only when the price is higher than the domestic price paid by Canadians for equivalent service.

The amendments and the new memorandum of understanding acknowledge the areas in which Hydro excels while recognizing that it is a public utility, and they recognize that the government has a responsibility to make sure that Hydro's activities serve—I underline—the public interest.

#### 1450

One of the government's next steps will be to review the Ontario Energy Board Act. This act deals with the mechanisms for setting wholesale electricity rates and rate review processes. Any adjustments to the current process will be considered when we review this act and they will be looked at in the context of the new relationship this legislative package creates.

Under the amended act and the new memorandum of understanding, Ontario Hydro will continue to operate under the best principles of the free enterprise system, but as a public utility and an agency of the government it will be in a better position to respond to the priorities of the people through the direction of the government.

In practical terms, this does not mean that the government will sit in Hydro's offices and interfere in day-to-day operations. What it does mean is that the government can ensure that Hydro is working within the policy framework this legislative package outlines and that the utility is working to address and fulfil government policies and public priorities.

We intend to monitor and assess the new relationship on an ongoing basis, and we will consider further amendments, as necessary, in the best interests of the people of Ontario.

This government made a commitment to position Ontario Hydro to more effectively respond to current realities and to new and evolving government objectives and public concerns. We have done so. These initiatives meet that commitment.

#### LAW SOCIETY OF UPPER CANADA

**Hon. Mr. Scott:** Today I introduce the Law Society Amendment Act, 1989. This bill amends the Law Society Act in order to permit permanent residents of Canada to practise law in Ontario. At present, the Law Society Act provides that only Canadian citizens or British subjects are eligible for membership in the Law Society of Upper Canada. As of July 1, 1989, however, only

Canadian citizens will be eligible to practise law, because an earlier amendment to the Law Society Act, Bill 7, which on account of the Charter of Rights and Freedoms removed the special status afforded to British subjects, will be proclaimed in force.

Recently the law society, at my request, reconsidered the issue of requiring Canadian citizenship as a prerequisite to practising law in Ontario. I am happy to say that convocation of the law society voted in favour of permitting permanent residents of Canada, as well as Canadian citizens, to practise law. As a result of this bill, it will not become necessary for British subjects or any other permanent residents of Canada now practising law in Ontario to become Canadian citizens in order to continue. Other professional bodies in Ontario do not require that their members be Canadian citizens.

This bill accepts the view that all persons admitted to Canada as permanent residents, regardless of their place of origin or citizenship, will be treated equally.

## RESPONSES

### ONTARIO HYDRO

**Mrs. Grier:** The amendments to the Power Corporation Act announced today by the Minister of Energy (Mr. Wong) in a press conference and then later in this House are nothing if not disappointing. This government came to power vowing to bring Ontario Hydro under control and now, almost four years later, the first steps we have seen are changes in process, mechanisms by which the government can make Hydro subject to its policies and directions but no hint of what that policy might be or what direction, in fact, this government intends to take.

The last select committee on energy, when it reported in July 1986, recommended very specifically that the Ontario Energy Board Act be amended to give the board the power to regulate electricity rates. When the current select committee asked for an update as to what had happened to that recommendation, we were told the matter would be addressed in the review of the Power Corporation Act and the Ontario Energy Board Act.

The amendments we have heard today are very silent in this respect. They do not mention what is going to happen to the Ontario Energy Board Act. We are told that is going to follow at some future date. We ask how long it is going to take before we see some meaningful amendments to the Ontario Energy Board Act that will really bring Ontario Hydro under control.

The advantage of having it subject to the Ontario Energy Board is, of course, the opportunity for public review. Far from having public review, we now have a Hydro committee of cabinet—not a standing committee of this Legislature, but a cabinet committee. We do not even know whether the Minister of Energy and the Minister of the Environment (Mr. Bradley) are members of that committee.

The one thing I do welcome in the amendments is the provision for parallel generation by Hydro. I think that is certainly long overdue.

I am a little puzzled by the recommendation with respect to housing. I find it somewhat bizarre that Hydro would identify land surplus to its present and future needs for housing development. I wonder if that means we are going to have affordable housing under the transmission lines or whether we are going to surround Darlington and Pickering with family accommodation. I hope that is not what is intended.

This government has a long way to go in enunciating a firm energy policy and in bringing Hydro under control. I hope we can move speedily to at least implement these amendments, and then not have to wait three years for amendments to the Ontario Energy Board Act.

**Mr. Brandt:** I want to comment as well on the Power Corporation Act amendments and the comments of the minister.

It would appear from the outset of the minister's remarks, if I might say so, that he is going to be very busy within the next short while in that it is his intention to bring to a close, by the end of this month, the inquiry into the Candu nuclear costs as well as the report with respect to acid gas emissions and the need for scrubbers in provincial generating facilities.

I would like to suggest that this is a very ambitious schedule and one that I hope he will be able to meet in terms of time guidelines. I would hope, as well, on the question of scrubbers, that he will have a report indicating the dates at which Hydro intends to embark on that program, and a full, documented overview of what its intentions are with respect to the use of western coal, for example, in order to reduce acid gas emissions; as well as a recognition of the combination of facilities that will be required and the changes in those facilities in order to accommodate the use of both western and US coal in some of our present installations.

I would like to compliment the minister on the conservation targets. However, I would caution him that by looking at a 5,500-megawatt conservation program by the year 2000, there is



always the risk that a shortfall will leave power shortages. I would like the minister to have fallback positions in place in case those conservation measures are not as effective as he had hoped, so that while we are attempting to conserve energy, at the same time we have to have this province in a position where it can provide the energy that is required if the conservation programs are not as successful as he would like or if the power demands exceed his expectations at the moment.

Finally, I would like to say to the minister that the review of the Hydro board appointments that he is proposing is something that his government has in fact proposed with respect to all appointments of this kind, in all committees and boards that are accountable to the province; he made that commitment some three or four years ago. The time is well past when an all-party committee of this Legislature will look at the appointments, as he has indicated, not only of the chairmen but of the members of the Hydro board. I would applaud a move if in fact the minister does intend to follow through on the commitments he has made in this respect.

There is a great deal of work to do and there is much more I could say. However, some of my colleagues want to comment as well. Let me just say that Ontario Hydro has, over the years, been very competitive, particularly as it relates to our rates vis-à-vis those to the south of us in the United States. I think that we have got to keep our eyes firmly on the ball, that this is an economic development tool of this province and that we have to keep our rates competitive with our major competition in the industrial parts of the US to the south of us.

1500

**Mrs. Marland:** I think the Minister of Energy fails in his statement where he says the government made a commitment to make environmental issues a high priority. The truth of the matter is that we might believe that if this government had at least followed through on one of the recommendations of the select committee on energy. That recommendation was that we have the plans from Ontario Hydro as to how it was going to meet its 1994 emission figures by December 1987. We are now sitting at almost 15 months later and we still do not have that information.

I think it is perhaps too prophetic to read in one of his statements here, where he talks about the memorandum of understanding enabling the government to set out its objectives, that the last of the objectives listed there just happens to be environmental protection.

## LAW SOCIETY OF UPPER CANADA

**Mr. Sterling:** I am absolutely astounded at the announcement by the Attorney General (Mr. Scott) of the introduction of the Law Society Amendment Act. I am astounded because it appears to be reasonable and we are not accustomed to having reasonable pieces of legislation put forward by the Attorney General.

## ORAL QUESTIONS

### WASTE MANAGEMENT

**Mr. B. Rae:** Starting out today, I would like to ask a question to the Premier about garbage.

I have in my hand a proposal from a company which calls itself Envacc Resources Inc., which is said to comprise Laidlaw Waste Systems Inc., CP Rail, the American Recovery Corp. and a number of individual investors who are prepared to invest somewhere between \$150 million and \$200 million to deal with the waste management crisis in this part of Ontario.

Can the Premier tell us in detail what he knows about this proposal and what is the merit of our handing over this field to private enterprise when we have a history in this province of dealing with these issues well within the public sector on a not-for-profit, public service basis?

**Hon. Mr. Peterson:** First, I should say this is a regional responsibility, as my honourable friend knows. My honourable friend is also aware that a number of the regions have a lot of pressures on them at this particular time with respect to short-term as well as long-term management of waste disposal.

Because, frankly, there had not been a lot of co-operation in looking at some of the regional problems over the last little while, we organized a meeting of the regional chairmen. I met with them on Friday last and there was an agreement that they would look at the problems in unison and they would try to co-operate as best as is possible.

At this moment, there is no formal structure to that, although one may come out of it if there are enough regions that are interested. As I said to my honourable friend, the province is not in a position to impose anything on the regions, although we do feel that we have a responsibility to be as co-operative as best we can.

That being said, there are a number of private sector groups that have come forward in varying degrees of specificity with suggestions about how to handle waste management in the long term. There are no obligations to any group and it may come to pass some time in the future, should

the regions so choose, that they will involve the private sector in waste disposal. That has not been firmed up by any stretch of the imagination. A lot of work has to be done with the regional councils, the Ministry of the Environment and a whole number of other groups.

I can tell my honourable friend that is as far as it has gone at the moment. I assume if anything is done in the future, it will be tendered and will be examined and adjudicated on by the regions.

**Mr. B. Rae:** If the Premier is talking about tendering, he is then already building into it the notion that this huge project, which will be an enormous enterprise involving hundreds of millions of dollars, is going to be carried out by the private sector. This particular proposal is not airy-fairy. It involves financial backers who are not named in this paper, but it also involves some backers who are named. It says on page 2: "The private sector will design, finance and operate the appropriate waste management facilities."

Does the Premier not realize the danger in giving a financial incentive to companies to deal with garbage in that their profits will increase as the volume and amount of garbage increases? Does he not realize that this is the exact opposite of the way we should be going—in other words, providing some real incentives to reduce the amount of garbage that is produced—and that if he leaves it in the private sector, with profitability as the primary motive, he is, in fact, going to be contributing to the mountain of garbage, rather than getting rid of it?

**Hon. Mr. Peterson:** Let me say to my honourable friend that, first of all, this province is leading North America with respect to recycling. I say that there is much left that can be done and the Minister of the Environment (Mr. Bradley) has shown very great leadership on this matter. Obviously, the foundations of any proposal will be recycling, reuse and recovery; but we have to look ahead as well. I can tell my honourable friend that no judgements have been made on the ultimate format or the composition of public/private sector involvement.

But I say to my honourable friend that if he is going to take the view, because of some philosophical or intellectual straitjacket, that the private sector should not be involved in any future programs, I say he is out of step with modern reality. If the regions so choose and if the member wants to impose his ideological hangups on them, then he should go ahead and make those speeches. But let me say that they will make those judgements, not me.

**Mr. B. Rae:** Perhaps a big business government is happy to give away public rights and public goods to the private-profit sector in this province. We in this party are not prepared to do it. This is a moment of a critical decision which is obviously going to be co-ordinated by the province. The Premier cannot pretend that he is not involved in this issue up to knees—indeed, up to his neck. Of course he is involved in it. He has to be because of the extent of the crisis.

The Premier is under pressure to telescope the environmental time frames in terms of environmental assessment. He is under pressure from these groups for a very quick decision because of the implication for the time frame three or four years down the line into the 1990s. I think the Premier knows far more about the particular proposals that are being made than he is prepared to tell us.

Can the Premier simply tell us the logic of giving away something that can come to the good of the public sector and to the taxpayers and people of this province? Can he tell us the logic of the taxpayers subsidizing private-profit operators in this regard? And can he tell us the logic in giving these operators a stake not in reducing the amount of garbage but in seeing that the amount of garbage increases? That is precisely what a private-profit operation will end up doing.

**Hon. Mr. Peterson:** I say to my honourable friend that I think his statement, if he believes what he has just said, is so logically flawed, so bound up intellectually and so totally uncreative that he has absented himself from the great debate about what will happen with waste management in the future in the greater Toronto area.

On the one hand, he says we should hurry up and get up to our knees in this garbage. On the other hand, he says we should not give garbage away. You cannot have it both ways. We are looking for solutions, not just to make speeches. I say to the member that the ministries and the government have provided leadership on a regional problem. We are prepared to co-operate. No final decisions have been made.

There are a number of groups that are interested in this. If they choose to finance this huge potential capital expenditure to the extent of several hundred million dollars through the private sector, I can tell my honourable friend that I do not see anything philosophically the matter with that. If he thinks that he has a proprietorial interest in keeping all the garbage to himself, then my friend will live with that for ever.



**Mr. B. Rae:** Being accused by a Liberal of trying to have it both ways is a very serious accusation.

1510

### HOSPITAL SERVICES

**Mr. B. Rae:** I have a question for the Minister of Health. I have raised this case in the past—I think she was away when I did and the Premier (Mr. Peterson) was answering the question on her behalf—but I want now to again draw the attention of the minister to this particularly tragic situation in Windsor where Mr. Charlton, who is 65 years old and has been on the waiting list in London for several months for a double bypass operation, has now booked himself into a hospital in Detroit. In fact, he and his wife are going to have to spend their life savings, some \$10,000, in order to get an operation in Detroit which they feel, and I think all of us in Ontario would like to feel, they should have as a matter of right in Ontario.

I wonder if the minister does not see the danger of what is happening, that whereas we have spent a generation building up a health care system in which we said that health care was not for sale, precisely the opposite is now happening and people are going out and having to purchase health care on the open market in the United States because that is the only way they can get it quickly. Does she not see the tragedy of that situation?

**Hon. Mrs. Caplan:** For the information of the Leader of the Opposition, I would say to him, as I have on numerous occasions in this House, if he has individual cases about which he would like the ministry to ask questions of the hospital, I would be pleased to investigate them. But the data and the information we have show that there has been quite a stable number of individuals who have chosen, for whatever reason, to seek treatment outside of Ontario over the past five years. I am assured that the resources we made available to increase cardiac capacity are being used effectively and that capacity is increasing.

**Mr. B. Rae:** If the minister thinks that people are choosing of their own free will to spend their life savings on a heart operation and do not feel that they are being forced into that choice by a government which has failed to recognize the seriousness of the situation, then she is simply, in my view, out of touch with how most people would respond to the situation of Mr. Charlton. He has made a choice because he felt he had no choice, because he was being delayed and bumped around on a list in Ontario. Instead of

that he said, "My health is so important to me that I am going to spend my life savings on that operation."

We fought for a generation in this province and in this country in order to eliminate that kind of situation for citizens and now we are right back into it because of the shortages in Ontario.

The minister is shaking her head. Does she not think that heart patients who are having to go to the United States because of the length of the waiting list are going because they do not feel they can get care quickly enough in Ontario?

**Hon. Mrs. Caplan:** I am told by the cardiac surgeons and the cardiologists I have consulted with that they believe the situation is in hand and the majority of them are not advising their patients to seek care elsewhere. They are assuring them that cases are being prioritized in Ontario on the basis of need.

We know as well, from the information that we have, that the numbers of people who are choosing to leave Ontario are the same this year as they were last year and the year before, and that has been quite stable. We know as well that there are people who come to Ontario for care and treatment.

I want to assure the member opposite that the increase in capacity in Sudbury, the increase coming on and beginning next week in Hamilton—which is quite significant—and the increases taking place in Ottawa will all assist the cardiac capacity, because my goal is to make sure that people get the service and the treatment they need as quickly as possible and I have been told that those resources which have been made available—

**Mr. Speaker:** Thank you.

**Hon. Mrs. Caplan:** —will ensure that the capacity is increased expeditiously.

**Mr. B. Rae:** I want to say to the minister that Mr. Charlton, according to my information, was never scheduled for an operation in Ontario. He still has not been scheduled for an operation in Ontario; he has been on the list for months, but he has never been scheduled for an operation. He was able to get scheduled for an operation in Detroit at the end of January and he will be in hospital for some seven to 10 days as of January 30.

If the minister cannot answer this situation in Mr. Charlton's particular case, can I ask her this: Does she approve of the fact that many people are having to turn to the private sector—in this case in the United States—for their care? Does she not realize that when people start doing that, that is the most powerful critique anybody can mount

on what is wrong with the health care system today in the province?

**Hon. Mrs. Caplan:** I think the Leader of the Opposition does a disservice and an injustice to the physicians, the nurses, the hospital boards and the administrators who provide care and service in this province, funded by the Ministry of Health. To fairly categorize the situation, we know that with all our problems—and there are many—we have people coming from around the world to look at how we provide what we do, the way we do it.

I can tell the member that what we are attempting to do is make the kinds of structural changes to resolve the issues and problems we face. We are doing that co-operatively, working with our partners in health care, and I would encourage him to work with us in a constructive way and fairly categorize the situation.

**Mr. Brandt:** My question as well is for the Minister of Health. It is with a great deal of reluctance that I bring this case to the minister's attention. It is not frequently, as she knows, that I bring individual cases before her, but I am deeply disturbed by this one. It is a case that is not that far removed from the one just described by the Leader of the Opposition with respect to Mr. Charlton in Windsor.

A constituent of mine, Maria Gaccioli, was admitted to Victoria Hospital in London on December 30. She subsequently spent about two weeks in that hospital. It was her understanding that she was to undergo heart surgery for three blocked arteries she had or arteries that were collapsed. She was released from the hospital on January 13, after being of the opinion that she was to undergo heart surgery.

That lady died within nine hours of being released from the hospital and sent back to Sarnia, where she was admitted later on that day to St. Joseph's Hospital in Sarnia and died.

I do not know what kind of explanation one can give in a case like this, but I want the minister to check out why that lady was released after a history of four years of heart problems. She ends up at Victoria Hospital in London, stays there two weeks and ultimately is discharged only to die that day. That is completely, totally unacceptable.

**Hon. Mrs. Caplan:** I am always distressed when I hear of these kinds of cases. If the member will give me the details, I will be pleased to ask the ministry to investigate.

We rely on the very fine physicians working in this province to ensure that those people who require care get it first. We know the hospitals are

responding and we are working very co-operatively with them, but I would be pleased to investigate this case.

**Mr. Brandt:** The only explanation I have been able to get in this particular case is that the beds were required for other patients. I do not for a moment question the fact that there are other needy patients. I do, however, have some difficulty in accepting the argument that there may be a higher priority than this particular lady, who had a history of heart problems and who was of the understanding that she was going to receive heart surgery. Then, as I indicated in my previous question, the events unfolded where this particular individual died within a number of hours. My understanding is that even her doctor in Sarnia was of the opinion that she was being admitted for heart surgery.

How can it possibly come to pass that someone who is in a hospital for that period of time and expects to get heart surgery is dismissed and sent home without the surgery in this kind of health situation which places the very life of the individual at risk and ultimately may have cost the life of Mrs. Gaccioli?

1520

**Hon. Mrs. Caplan:** As I said—and I will repeat it to the member opposite—when I hear of these situations I am always very concerned, and I undertake to investigate the situation.

It is the medical judgements and the decisions of physicians to both admit and discharge patients to our hospitals. They are accountable to the medical advisory committees and, ultimately, to the boards of those hospitals. We will have an opportunity, when we review the Public Hospitals Act, to determine whether the accountability which is presently existing in this province is in the public interest and protecting the public interest or whether we should make some amendments and changes. I have committed to opening that act and look forward to an important, and I think timely, debate.

**Mr. Brandt:** The understanding that the family of this particular lady had was that she would be receiving heart surgery in two to three weeks from the time she was admitted to the hospital. As I indicated, this is an individual with a long history of heart problems where one would expect that the hospital would in fact treat her before releasing her to go back, and then the ultimate end result is one we are all aware of.

I ask the minister, is she prepared to look specifically into this case and report back to the House, to see where the blame, if any, lies with respect to Mrs. Gaccioli? I am going to send to



the minister a chronology of the events that occurred. I will send her as well a detailed report with respect to my information on the case. I want to deal with this in such a way that we can stop this kind of thing from happening in the future. If in fact the system, as I believe it to be, is so backed up that people are dying as a result of not being able to get access to a bed or receiving the necessary surgery that they require, then we collectively, as a Legislature, have to make a decision—

**Mr. Speaker:** Thank you. The question was asked.

**Hon. Mrs. Caplan:** I would say to the member opposite that, under the Public Hospitals Act, the hospitals have an obligation to ensure that those requiring emergency care receive it first. We know as well that physicians do their very best in determining the medical status and use their very best medical judgement to ensure that their patients receive care based on need. I believe it is appropriate that those decisions be made by the physicians who are trained. I do not believe that government should intervene in the practise of medicine and tell the physicians how to do their jobs.

Under the Public Hospitals Act, whenever there is a concern about patient care, I am always prepared to investigate any situation and to determine what the facts are. I have undertaken to look into this case and, if the member will send me the details, I will be pleased to do so.

#### COURT SYSTEM

**Mr. Brandt:** My question is for the Attorney General and it is with respect to comments recently made by Chief Justice Howland wherein he indicates that some 282 cases have been dismissed in our court system because of the backlog. I might add that Chief Justice Howland's comments are quite in line with those that have been made by other judges, prosecutors and defence attorneys who are involved in the system, who are very concerned about the fact that the backlog is reaching such proportions that the system simply cannot deal with those who are brought before it for the appropriate form of justice delivery in this province. I wonder if the Attorney General might comment as to how he sees this backlog in terms of its seriousness and what he intends to do about it.

**Hon. Mr. Scott:** First of all, it is very important to see the problem in perspective. We run probably 400 courts in Ontario every day in close to 300 different locations. As the figures released by the Chief Justice himself confirmed,

the lists in those courtrooms are in order in all but six or seven jurisdictions of the provincial criminal court in Ontario, a very successful administration of the system. The six or seven jurisdictions, with the exception of the city of Ottawa, are all adjacent to the city of Toronto—not the city of Toronto itself but five or six communities around the city of Toronto—and are restricted to the criminal division.

As my learned friend will know from hearing the Chief Justice's speech, the chief judge of the provincial court and I are both aware of the problem and we have introduced very recently a co-operative management program designed to expedite these lists by shared efficiencies on the management, judicial and defence bar sides of the problem.

The process, which began first in Ottawa, has begun to work. Delays have been significantly reduced over a very short period of time and we anticipate that we will have good results in the other five jurisdictions as well, so that all jurisdictions in the province will have timely lists.

**Mr. Brandt:** The Attorney General is somewhat more optimistic than he was just a short while ago, when a headline in *Lawyer's Weekly* indicated, "'Ontario Justice System Near Collapse: Scott,'" and that we have a system, in fact, of justice in this province which is reaching—

**Hon. Mr. Scott:** What was the date of that?

**Mr. Brandt:** I will provide the Attorney General with the date, and I would be very pleased to—well, it just so happens I have the article here and I will send it to the Attorney General so that he has it.

My question is whether the Attorney General stands by his earlier comments. Could he in fact indicate whether he stands by his earlier comments where he indicated that justice in this province was now reaching the level where it was only for the very poor or the very rich?

He has indicated some steps administratively that he plans on taking to provide some efficiencies within the system. Can he indicate when we are to see the results of those planned introductions of efficiencies?

**Hon. Mr. Scott:** The speech to which the honourable member refers was of course made a year and a half ago, and I am delighted to say that the six projects that Chief Judge Hayes and I have announced in the districts where I was focusing on in the speech are leading to a resolution of the problem.

Perhaps the honourable member, before he spends a lot of the taxpayers' money and takes no

responsibility for it, will want to know something about the problem. In the administration of justice, you have a number of players, each of whom quite properly sees himself as independent: the judge, who sees himself as independent in the arrangements that are made for his court day; the members of the defence bar, who see themselves as independent; and the crown attorneys, who have an independent role in the administration of justice. The system and the court lists cannot, we now know, be run by any one of those groups acting alone. They can only be run by a co-operative management system.

This is a very great difficulty, and in Ontario is being met with very significant novelty by way of approach. Chief Judge Hayes's proposal is to put together the players in each of the districts to establish shared rules and expectations about how the system will operate.

As I say, in the city of Ottawa, it has begun to work effectively, and we are hopeful that in the five other jurisdictions we will have the same results; but co-operative management, not plowing in more dollars alone, is the—

**Mr. Speaker:** Thank you.

**Mr. Brandt:** With the greatest respect to the Attorney General, I do not need a lecture from him on how to spend taxpayers' money, let me assure him. When his colleague the Solicitor General (Mrs. Smith) spends \$7 million on the Reduce Impaired Driving Everywhere program, and when we have some \$750,000 being spent on family violence and sexual assault programs in order to make the public of this province more aware of what is going on, and when you read about a case in the paper in Barrie where an individual, on a second charge for impaired driving, which directly relates to the RIDE program and that expenditure of money, and that case was in fact thrown out because of the unusual delays that were associated with it, I would suggest to the Attorney General that the system is not working that well.

**Mr. Speaker:** By way of question?

**Mr. Brandt:** I only ask the Attorney General if he can bring in an efficient system that will handle cases like this and at the same time save the taxpayer some badly needed funds in this province.

**Hon. Mr. Scott:** I want to say to my friend that we are proud of the RIDE program and we are proud of the lives that are saved by the investment of that money. We are also proud of our victim-witness program, a program that the likes of them never undertook and which is doing

good things for people all across Ontario. We are also proud of our program—it does not exist yet in all areas—in which we provide for assistance to people accused of—

**1530**

**Mr. Brandt:** And it's world class.

**Hon. Mr. Scott:** No, but if we had waited around for the honourable member none of these things would have happened.

With respect to delay in the criminal courts, I think it is important to emphasize, as I emphasized at the opening of the courts, that when the players who are part of the system develop, as they have begun to do in Ottawa under the leadership of Judge Belanger, a management plan for their provincial court so that we maximize the facilities the taxpayer provides, I have indicated that at that stage when the plan is forthcoming and when it is working we will do everything we can to provide the requisite resources to support that plan, but if the players in the system think more funds will be provided without any management plan for its expenditure entered into on a co-operative basis, they could not be more wrong.

#### INTERVENER FUNDING

**Mr. Wildman:** I have a question for the Minister of the Environment regarding intervenor funding for the class environmental assessment of timber management in Thunder Bay.

In view of the fact that the Ministry of Natural Resources alone has already spent approximately \$4.5 million on legal fees, travel and accommodation and support in staff and equipment for the environmental assessment, and that the arguments of the ministry, which were expected originally to take about six months have now taken eight months with only seven of a proposed 17 panels testifying so far, can the minister assure us that intervenor funding will be increased so that the groups which received the \$300,000 for intervening originally and which are now running out of money will be able to continue their input and involvement in the environmental assessment?

**Hon. Mr. Bradley:** One of the things I would point out is that if this were to have been conducted even two years ago for instance, or let's say more than three and a half years ago, there would not have been intervenor funding for this particular project. I think the member will agree with me. He has said on many occasions that in fact there is intervenor funding, and he makes the case that individuals and groups



appearing before the board would like more money for those purposes.

The panel of the board is the group that makes the decision, of course, on who shall receive the intervener funding and how much they shall receive of the money that is available. They do so based on a guess, I would guess, of how long a hearing may go on.

There are a couple of things that those involved in these hearings want to do. One of them that everybody has a stake in is trying to focus on the issues that are specifically before the board. I would think all parties that are involved in this would want to see that kind of focusing and certainly would work in that direction. Second, I think we have to take into consideration the fact that the board itself listens to more than simply the lawyers or the so-called experts who make the presentations, and that individuals and organizations can make some very valid arguments themselves based on their own experience.

**Mr. Speaker:** Thank you. I am certain there will be more information after the supplementary.

**Mr. Wildman:** By way of supplementary, while the minister has pointed out that the board itself, the panel, decides how the money will be divided up among the groups, surely he agrees that it is the cabinet that decides on how much money.

The groups that received the \$300,000 originally asked for \$600,000. Forests for Tomorrow, a coalition of five groups, received \$134,000 and has indicated it will have to withdraw because it does not have enough money left because it is taking so much longer than was expected.

In view of the fact that the cabinet has just approved, on January 18, \$3.2 million for intervener funding for the Ontario Waste Management Corp. hearings, surely the minister will agree that he should increase the total amount so that the board can split it up among the interveners on the timber management EA.

**Hon. Mr. Bradley:** I would be pleased to share the concerns that have been expressed by the member for Algoma with my colleagues in government to determine whether there is an opportunity, in view of any changing circumstances that might take place, for further consideration.

I think the member, with a lot of validity, points out that these kinds of decisions are made based on what are anticipated to be the length, or in fact the breadth of the hearing and the kind of

arguments that will be presented. I think the member makes an interesting point when he says that if there are changes in the original standards, concepts or criteria, members of the government should be prepared to take those into consideration.

I want to assure my friend from Algoma that we will give every consideration to his most responsible representations that have been made today.

#### USE OF LOT LEVIES

**Mr. Harris:** I have a question for the Premier. He has been quoted as saying and others of his ministers have said that government policy and priorities can be characterized by a phrase: Housing First. I suggest, and I do not think I am alone in the view, that if housing is this government's first priority, it has a strange way of showing it.

I would like to tell the Premier that lot levies will have a dramatic effect on housing prices in Ontario. Industry estimates are that it will be perhaps \$10,000 per new house. The overall impact in terms of heating up the housing market will be far greater. The whole idea behind lot levies is to finance government programs in the areas of health, education, transportation or other areas, clearly at the expense of housing.

How can the Premier reconcile this with his claim that his government's priority is Housing First?

**Hon. Mr. Peterson:** If the honourable member has any views, I will pass them on to the Treasurer (Mr. R. F. Nixon), but one of the things the developers tell us is that we need to get more lots on the market to take some of the pressure off the limited supply. In order to get lots on the market, one has to have schools, roads and other infrastructure.

I think the member would agree with the many people who come forward and say that one of the problems in the housing market today in Ontario is there are so many people moving in and putting pressure on limited supply. If municipalities use lot levies—many of them use them now, as my honourable friend knows, and they did ask us to review the entire matter—they feel it will assist in bringing more lots on to the market.

**Mr. Harris:** I would like to read the Premier a quote from a letter he received before Christmas from the Ontario Home Builders' Association. "The government has lost sight of its fundamental responsibility to provide an appropriate environment in Ontario so that the average family can be properly housed. We further

believe that the current direction of government policies respecting housing is the single greatest contributor to our present housing crisis."

Given that the industry believes the government has ignored the advice it gave in good faith and that the government is going ahead full steam with its own private agenda, with no support from the private sector industry and without regard for the devastating impact these policies will have on the housing market, why does the Premier ask for advice from the experts if he is going to ignore it? Does his ignoring it mean he now intends to try to go it alone, without the private sector, to provide affordable housing in this province?

**Hon. Mr. Peterson:** We ask for advice every day and we get advice, whether we ask for it or not, every single day. We get advice from the honourable member. We get advice from the members opposite, frequently in conflict. I find some members opposite represent all sides of all questions. Their basic view is that whatever we are doing is wrong and it does not matter where it comes from.

I do not see that consistency in thoughtful advice coming forward, because I can tell the House that when there is good advice coming forward we follow it. We have the responsibility of implementing these policies. We talk to as many people as we possibly can, and then ultimately we have to make decisions that are not in the interest of a particular group.

My friend represented a government that had a very different view of governing than we do. We do not believe our responsibility is to stand up for some particular group or some particular business. Our responsibility is to speak for all the people of Ontario, and that is what we do in all circumstances.

1540

## RECYCLING

**Mr. Adams:** My question is for the Minister of the Environment. It has become apparent to me through Peterborough's enthusiastic response to the blue box recycling program that some people's attitudes towards garbage are changing. They no longer view garbage simply as a nuisance, but rather as a potential resource. With the average household in Ontario generating one ton of solid waste each year, the province should ensure that the financial framework is in place to deal with problems associated with the disposal of municipal household waste.

Could the minister outline the financial support available in Ontario to encourage the

so-called 4R programs: reduction, reuse, recycling and recovery.

**Mr. Speaker:** In any special length of time?

**Hon. Mr. Bradley:** I will try, Mr. Speaker, to do that as expeditiously as possible.

I want to say, first, that I agree with the member that garbage is potentially a valuable resource. Any of the proposals entertained now by municipalities are based on the fact that there can be a lot of recovery, a lot of recycling and a lot of reduction.

We all know that 19 trees are saved for every ton of newspaper recycled and 70 per cent in energy on the recycling of an aluminum can. I want to indicate to the member that we have 1.2 million blue boxes for curbside recycling in this province and that we now have \$7.7 million being allocated, compared to \$750,000 when we took office.

I recall that the last year the other government was in power not one blue box was put in a household in Ontario. I want to indicate to the member for Peterborough that my ministry has recently committed \$500,000 dollars to help the city of Peterborough with its new recycling depot, and the city of Peterborough and Ontario Multi-Material Recycling Inc. have matched those funds.

In terms of industrial recycling, we have doubled the amount now to \$2.5 million—

**Mr. Speaker:** Thank you. I wanted to give equal time and I wanted to make certain that the questioner and the responder had the same amount of time.

**Mr. Adams:** While the blue box system is a step in the right direction, it is currently limited to newspapers, glass, cans and pop bottles. Can the minister tell the House what steps he is taking to move beyond the blue box program.

**Hon. Mr. Bradley:** I would be pleased to do that. I should indicate before I do that we announced the Star program, Student Action for Recycling, which will have even more institutions dealing with this in terms of the educational field.

I want to indicate to the member that I and representatives of the Ministry of the Environment have met with the plastics industry, as an example, and those involved in groceries and packaging, newspaper publishers, all of those who could make a significant contribution to the reduction, reuse and recycling that could take place in Ontario. I am pleased to report to the member that this has been exceedingly productive. At this time we are in support of projects in



Guelph and Metropolitan Toronto for the purposes of composting. We are now going into apartment buildings in terms of the special funding we are providing.

The province of Ontario was recognized in January 1989 as the leading jurisdiction in all of North America in the field of recycling.

#### RENT REGULATION

**Mr. Breaugh:** I have a question for the Minister of Housing. We have an all-time record today. The minister may be aware of this one in the rent review process because it is from the riding of Oakwood, at 9 Humewood Drive. It is a small building with eight units. Can she explain to Doug Calder, who is a tenant at that particular building, just exactly why the landlord got a 62 per cent increase in rent?

**Hon. Ms. Hošek:** As the member opposite knows, I do not know the answer about every single building in the province. I can tell him that in order for anyone to get a major rent increase—

**Mr. Breaugh:** Find the one you do know.

**Hon. Ms. Hošek:** The member opposite knows very well that our rent review legislation tries to take into account the need of tenants for certainty and for security, and the need of landlords for the recovery of the costs they legitimately spend in the management, maintenance and improvement of their buildings.

**Mr. Breaugh:** Mr. Calder and the other tenants in the building are angry and they are angry with some cause. This is a building where in 1987, this government gave the landlord \$30,000 in interest-free loans through the government's low-rise rehabilitation program. He cannot for the life of him figure out why, on the one hand, a government would finance the landlord through one agency of the crown, and on the other provide another agency that gives the landlord a 62 per cent increase in rent. Can the minister explain that terrible dichotomy to Mr. Calder and the others who live on Humewood Drive?

**Hon. Ms. Hošek:** The low-rise rehabilitation program the member alludes to of course is managed by the city, in this case the city of York—

**Mr. Breaugh:** And you don't provide any money.

**Hon. Ms. Hošek:** The province provides the money for the low-rise rehabilitation program. That program is meant to make sure that a large amount of our low-rise stock is maintained in the way it needs to be in order to make sure the

housing stock remains available for housing. If we do not spend our resources in making sure the basic repairs are made to our housing stock, then the member opposite knows very well that much of our housing stock would be at risk.

The low-rise program is structured in such a way that through the city the province helps those owners to bring the buildings up to the Ontario Building Code standard, to make sure the plumbing systems, the wiring systems and so on are up to that standard.

I believe the people who live in this province want to make sure that our housing is in fact kept up to that standard, that those levels are maintained. I believe the program is a really important one to make sure at least that level of standard is maintained.

#### UNIVERSITY STUDENT RESIDENCES PROGRAM

**Mr. Jackson:** In the absence of the Premier (Mr. Peterson), I would like to ask a question of the Minister of Colleges and Universities. Her government issued a press release last week announcing the provision of \$2 million to create, as she put it in her release, "225 new residence beds at Queen's University."

The release is very interesting. It says the Premier honoured at least one of his election promises, says it will take 25 years; says a lot but it did not tell us any of the other details. What we have been able to uncover is that in fact the \$2 million will be used to purchase Waldryn Towers, which is located just outside the campus. This building already provides affordable housing for over 200 university and community college students.

Can the minister explain why \$2 million of Ontario taxpayers' money was used to convert off-campus housing to on-campus housing, and does this, in her mind, create new affordable housing for students?

**Hon. Mrs. McLeod:** The program of new residence development for Queen's University was a somewhat unique program within the university residence program. As the honourable member is well aware, this particular program involved the purchase of a facility from the hospital. There indeed have been residence beds available for students in that facility, but this was on a leased basis. Through our university residence program, Queen's has been able to acquire the facility and ensure that there will be, on a permanent basis, continued residence beds available there. This in turn does clearly increase

on an ongoing basis the amount of affordable housing available to students in that area.

**Mr. Jackson:** Some suggest the release is somewhat misleading in so far as it goes on to suggest, "This program complements the government's Housing First policy by reducing the competition for affordable housing between students and low-income earners."

Yet when we checked today with the vice-president of Queen's University, Tom Williams, he said his university will be forcing as many as 125 students from St. Lawrence College on to the streets as of September 1989, so that Queen's University students can take their places. Given that the minister has responsibility for both community colleges and universities, can she please explain to us how she is increasing the stock when she is in fact evicting 125 community college students by her actions.

**1550**

**Hon. Mrs. McLeod:** We are in fact ensuring a continued stock on a permanent basis. The hospital was interested in finding someone who would purchase the facility. Queen's University, in purchasing that facility, has ensured that residence beds will be available to students in the long term.

Students attending St. Lawrence College who are currently in that residence facility will have an opportunity to continue to have space in the facility, if space is available. They will also have access to other affordable housing in the community and in fact will have access to the Queen's University housing list so that their search for housing in that area can be facilitated.

I also think it is important to recognize that there are two residence programs that have been announced by the ministry this year. One is the university residence program, in which we provided support for 5,000 new residence beds. The other is the lifting of the ban on college residence so that each college can proceed to build residences to ensure that there is affordable housing for its students. The two programs do work in a complementary fashion.

#### MASSEY WORKERS' BENEFITS

**Mr. Neumann:** My question is for the Minister of Financial Institutions. The minister is well aware that a number of issues relating to the demise of Massey Combines Corp. remain unresolved. One of these issues relates to the serious underfunding of the Massey pension plan.

It has been clear from the beginning that the pension benefits guarantee fund will need to be

utilized to ensure that retirees continue to receive pension benefits. Former Massey employees and retirees have felt some uncertainty awaiting word of their individual pensions. Would the minister report to the House on the present status of the review initiated by his ministry?

**Hon. Mr. Elston:** I would like to thank the honourable member for his continuing interest in this very important issue. The review of the pension fund itself has been ongoing and has been problematic because of the difficulty in reviewing the records in the state that they were kept.

I can tell the honourable member, though, that at the current time there have been a number of letters sent out and I think fully just about 7,100 former employees and retirees of the company should now have received their letters. I think they went out on January 13, 1989. That has completed the first phase of review by the commission. They are looking forward to receiving by February 24 replies from all of the people involved, who will then verify their length of service and other criteria, so that the firm engaged, Price Waterhouse, can then compute fully the individual benefit entitlements.

Although there was some delay originally because of the records, the work has been ongoing and there has been progress. I think that all of those people either should have received or will shortly receive the letters asking them to verify service.

**Mr. Neumann:** Now that former Massey employees have received letters setting out their pension entitlements under the plan, what further steps are required before the pension benefits guarantee fund can be triggered and long-term security of specific benefits can be implemented and secured?

**Hon. Mr. Elston:** The result of the original review was to verify the names of people to whom letters should have gone to alert them to the fact that there was an entitlement. Those letters have gone out. I think it is just under 7,100 people who have been contacted. Those people should reply by February 24, as I said earlier, to Price Waterhouse. Then there will be individual computation of the amounts due to each of those individuals and that then should complete the requirements before a final determination of benefit is locked in and the payments made following that.

#### SALE OF CIGARETTES TO MINORS

**Mr. Allen:** I have a question to the Minister of Consumer and Commercial Relations. Last week



was National Nonsmoking Week. The subtheme of that week was the question of access of minors to smoking and the problem of smoking among minors across the country.

The minister undoubtedly is aware, as the community has been for some time, that in the last 20 years the age at which the average young person begins smoking has drifted from 16 to the age of 12 and that some studies tell us that 85 per cent of those young people, once they become regular smokers, go on to become persistent smokers in their lifestyle in later years, with the consequences we all know to their health.

I was therefore surprised that the minister did not introduce legislation last week that might have addressed this problem, even though he has been asked to strengthen legislation in this regard by a number of quarters. Is he prepared to do that and will he be acting in that regard soon?

**Hon. Mr. Wrye:** I want to say to the honourable member that certainly there have been representations made to me as minister, as there have, I believe, to the Attorney General (Mr. Scott), to move in this area since he has a piece of legislation called the Minors' Protection Act which is currently on the books.

We have taken a look at the issue and we have looked very closely at it. I just say to my friend the member for Hamilton West that while I understand the very desirable ends that the groups which have been in discussing this matter with him and me seek, it is really a very difficult problem of regulation and enforcement, which would take literally hundreds of employees and which might not at the end of the day be very effective.

There are a number of antismoking initiatives which the member and I both know have been moving forward, not only in this Legislature but other kinds of voluntary and mandatory initiatives. It just seems to me that this one is not one that would be very high on my list of initiatives that would be effective.

**Mr. Allen:** We do know that the Minors' Protection Act, as it exists, with its fines of some \$2 to \$50 is rather absurd. We also know that the federal Tobacco Products Control Act is equally weak in all of its aspects. We are aware that boards of health and local municipalities literally have their hands tied by the weakness of the legislative base they have to work from.

I wonder if the minister would not indeed sit down again with his colleagues and inquire among them as to whether it would not make some sense to, first, increase the fine substantially against retailers who abuse the legislation;

second, find some way to make vending machines inaccessible to minors; third, engage in a system of licensing which would regulate the field to such a degree that lifting the licence would be a major penalty and therefore a major discipline upon retailers in their behaviour towards clients who are under 18 years of age.

**Hon. Mr. Wrye:** I can say to my friend at the outset that certainly my colleague the Attorney General has heard the comments and I am sure has noted the comments made by the honourable member in regard to the fines in the Minors' Protection Act, which comes under his jurisdiction.

In terms of licensing and in some way regulating the thousands and thousands of establishments that either sell cigarettes or have vending machines on site, I suppose we could do that. The real problem we have examined is the method of trying to enforce those regulations so that the penalty the member talks about would take place.

Certainly, there is a very real problem of enforcement and that has led me to a conclusion that the other methods of reducing the numbers of smokers, particularly those who are very young, who are of the age that the honourable member has spoken of, are probably at the end of the day more effective methods.

#### DISTRICT OF PARRY SOUND

**Mr. Eves:** I would like to direct my question to the Minister of Education, in the absence of the Premier (Mr. Peterson). I had actually hoped to cover more than just the educational—

**Hon. Mr. Sorbara:** What has the absence of the Premier to do with it?

**Mr. Eves:** It is just a statement of fact. The Premier is not here.

The minister will be aware that going back to July 15, 1988, I have written him several letters, as have indeed the east and west Parry Sound boards of education, asking whether the ministry is going to fulfil a commitment made by the Minister of Northern Development (Mr. Fontaine) with respect to Parry Sound district. That is to get the full goods and services weighting factor that all rural school boards in northern Ontario receive; that is 0.90, not 0.60 which they already receive, effective April 1, 1989. Can they expect to receive the same goods and services weighting factor as the rest of the north does?

**Hon. Mr. Ward:** As the member for Parry Sound is no doubt aware, the method by which the government and the ministry flow funds to school boards is sensitive to local conditions and

sensitive to the ability of local municipalities to allocate resources to the very necessary programs that boards may provide. Currently, the boards he refers to do get a goods and services weighting factor. As the member knows, the boundaries that establish the line which receives that factor have been adjusted.

We are doing a very fundamental review on educational finance in this province and we will be making some determinations. I will be happy to share the outcome of those deliberations with the member as soon as they are complete.

#### 1600

**Mr. Eves:** I have already received the answer the minister has just given by correspondence. However, what I want is an answer to the specific commitment his government made on June 9, 1988, that effective April 1, 1989, that boundary for northern Ontario would be moved for the purposes of all ministries.

I am just going to read, very briefly, a quote from the Minister of Northern Development on that day: "...access to specific programs oriented to northern needs. For the people of Parry Sound and Nipissing, particularly those living south of Algonquin Park and the French River, this means being treated in a consistent fashion with other northern districts by all government ministries."

I presume "all government ministries" includes the Ministry of Education. As the Minister of Education will see from the minister's statement, the boundary line is to be moved from the French River to the southerly limit of Parry Sound and Nipissing districts. Is he going to fulfil this commitment on April 1, 1989, or not? Yes or no? I do not want to know what is happening in the rest of the province.

**Hon. Mr. Ward:** The member goes on and on about making reference to a specific boundary line which is drawn and to which many ministries across the government have due regard in terms of making grant determinations.

As I indicated to the member, we are currently reviewing many aspects of educational finance. The reason for the differential for northern boards is quite clear. Due to circumstances such as remoteness, small school size and distances travelled in terms of the provision of services, it is our intent to make sure that the grants are very sensitive to those factors.

The member would want his board to get the same sort of treatment as any board in a similar circumstance. I think that is a legitimate expectation. I am sure the member will be satisfied when he sees our proposals for recognizing the difficulties that small boards have that have

substantial distances to cover and have very particular needs because of their own circumstances.

### PETITIONS

#### EDUCATION FUNDING

**Mr. McLean:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"I understand that the government of Ontario is considering changing the way it helps pay for our public schools through a plan to pool local commercial and industrial taxes.

"I am very concerned that tax pooling will divert needed funds away from public schools and lead to further increases in property taxes. Funds for public schools are already stretched to the limit at the local level. I believe that any action by the government of Ontario to reduce its support for public schools or to cause property taxes to increase would be harmful to our public school system.

"The government of Ontario needs to stop shifting the costs of education to local property owners—our public schools need more provincial support, not less.

"I am opposed to this tax pooling plan—and any plan that will deplete funds available for public schools."

That is signed by 16 people on behalf of Coldwater public school.

#### TEACHERS' SUPERANNUATION

**Mr. McLean:** I have a letter from Gordon F. Youngman to Wallace Campbell in district 17:

"The chairman of the Best Five Committee has requested that the provincial office forward the enclosed petition signed by 176 teacher members of the five Ontario Teachers' Federation affiliates to your Queen's Park office for presentation to the Legislature."

In that organization there are 3,303 retired Ontario teachers. They seek to have the 1983 Teachers' Superannuation Act amended as indicated in the petition form.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.



"This proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

#### YORK REGION LAND DEVELOPMENT

**Mr. Cousens:** To the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the dramatic growth rate in York region has placed extreme pressure on the municipal planning process and, given that serious allegations have been made regarding the integrity of this process in York region, we strongly urge the provincial government to conduct a full and open public inquiry into the municipal planning process and land development practices of York region."

Mr. Speaker, these are only 10. I have several hundred more I will be presenting on other days.

#### TEACHERS' SUPERANNUATION

**Mr. Cousens:** I have a second petition.

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"The proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

This has 109 signatures, in addition to the previous 533 signatures that I submitted to the honourable Speaker.

#### TAX INCREASES

**Mr. Cousens:** Finally, I have two other petitions of 100 names each to the Lieutenant Governor in Council objecting to the tax increases imposed by the Peterson government.

#### TEACHERS' SUPERANNUATION

**Ms. Collins:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated

on the best five years rather than at the present seven or 10 years.

"The proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

This is signed by the 16 members of the executive board of district 13 of the Superannuated Teachers of Ontario, representing 950 pensioners who live in the area of Haldimand and Wentworth counties and the city of Hamilton, and I have put my signature to it.

#### ANIMALS FOR RESEARCH

**Mr. D. S. Cooke:** I have a petition to the Lieutenant Governor and the Legislative Assembly.

"We, the undersigned, support Bill 190 and urge the members of parliament to pass this bill immediately."

This is the bill standing in the name of my colleague the member for Algoma (Mr. Wildman). I believe he said that the total numbers in support of this bill are now up to almost 30,000 people.

#### HOME CARE

**Mr. Jackson:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, and it states:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the Red Cross Society has incurred a deficit because the government of Ontario has failed to fulfil its promise to adequately fund home care services and therefore Red Cross may be forced to withdraw their home care services, we petition the Treasurer of Ontario to adequately fund the Red Cross services so that 170,000 citizens of Ontario are not forced to seek more expensive care in an institutional setting."

This petition has my signature of support. It is signed by 800 additional residents from Burlington, which brings the total now to over 2,000 citizens who have expressed the sentiments of this petition.

1610

#### INTRODUCTION OF BILLS

##### LAW SOCIETY AMENDMENT ACT

Hon. Mr. Scott moved first reading of Bill 203, An Act to amend Certain Acts as they relate to the Law Society.

Motion agreed to.

### POWER CORPORATION AMENDMENT ACT

Hon. Mr. Wong moved first reading of Bill 204, An Act to amend the Power Corporation Act.

Motion agreed to.

### UKRAINIAN EVANGELICAL BAPTIST ASSOCIATION OF EASTERN CANADA

Mr. Kozyra moved first reading of Bill Pr83, An Act to incorporate Ukrainian Evangelical Baptist Association of Eastern Canada.

Motion agreed to.

### COUNTY OF LANARK ACT

Mr. Sterling moved, on behalf of Mr. Wiseman, first reading of Bill Pr78, An Act respecting the County of Lanark.

Motion agreed to.

### ORDERS OF THE DAY

#### TIME ALLOCATION

Hon. Mr. Conway moved resolution 20:

That, when the order is called for resuming the adjourned debate on the motion for adoption of the committee report on Bill 113, An Act to amend the Retail Business Holidays Act, not more than one sessional day shall be allocated to this order and that at 5:45 p.m. on that day, the Speaker shall put every question necessary to dispose of this order.

And that notwithstanding standing order 66(c), there shall be two sessional days allocated to the consideration of Bill 113, An Act to amend the Retail Business Holidays Act, and Bill 114, An Act to amend the Employment Standards Act, together in the committee of the whole House. At 5:45 p.m. on the second of these sessional days, the Chairman shall put all questions necessary to dispose of every section of both bills not yet passed as well as the titles and shall report both bills forthwith to the House, and that the question of the adoption of the report of the committee of the whole House on both bills shall be put forthwith and decided without amendment or debate.

Further, that there shall be one sessional day allocated to the consideration of Bill 113, An Act to amend the Retail Business Holidays Act, and Bill 114, An Act to amend the Employment Standards Act, together at the third reading stage and that on that sessional day the Speaker shall interrupt the proceedings at 5:45 p.m. and put all questions necessary to dispose of the order for third reading of the two bills.

Finally, that in the case of any division requested during the time that these bills are being considered, the bells shall be limited to 15 minutes.

**Hon. Mr. Conway:** As the sponsor of this particular motion, I want to speak to it directly this afternoon. I do not intend, as I indicated to my friends in the opposition, particularly to the leader of the third party in the House, to go on at any great length, because I indicated the other day when we were debating the efficacy of the motion what the general intentions of the government were in this connection.

I have, for example, the sense that I am going to have some of my observations of a previous time recalled to my attention later this afternoon. I do want to give the members opposite an ample opportunity to join this debate.

**Mr. D. S. Cooke:** You should have seen the tape of Provincial Affairs on Saturday.

**Hon. Mr. Conway:** I did not see the tape of Provincial Affairs on Saturday night. I was very busily attending to matters in my constituency.

**Mr. Mackenzie:** I thoroughly enjoyed it.

**Hon. Mr. Conway:** When I see the member for Hamilton East look so agitated, I know that I must have done something of a kind—anyway, I do not want to be provocative.

I want to say simply that the government has put before the assembly and the province, as of last spring, a comprehensive set of proposals to more efficiently, more fairly and more enforceably regulate the regulation of retail store hours across Ontario. That package of proposals has been debated widely.

There have been days of debate in this chamber on the second reading of, particularly the first of the two bills, Bill 113, which took several days, as I recall. Bill 114, the companion legislation having regard to the amendment to the Employment Standards Act, took somewhat less time. That gave any member who wanted to have the opportunity to participate in the debate an opportunity to indicate to the assembly, and through that process to the audience that reads or watches these proceedings, a clear indication of what the views of that honourable member or the political party in question were on the matters at hand.

We spent many, many days last spring debating those bills in principle. The government had always indicated, and then moved quickly to fulfil the commitment, that there should be public hearings in this connection. We organized ourselves, as we do, in the very amicable



circumstance of the House leaders' panel to arrange, under the very able leadership of my colleague the member for Brampton South (Mr. Callahan), the very distinguished chairman of the standing committee on administration of justice, ably supported by the member for Etobicoke-Rexdale (Mr. Philip) and others, not only to have a very good clause-by-clause deliberation but to allow the justice committee to travel, as it did, through the summer and early fall to some 14 different venues, to give the people of Ontario in those areas and those communities an opportunity to bring forward their representations.

If memory serves me correctly, in that perambulation the committee entertained something like 500 briefs. Some 200 groups or individuals came forward to express themselves with respect to the bills at hand.

**Mr. Mackenzie:** Almost all in opposition.

**Hon. Mr. Conway:** My friend from Hamilton says, "Almost all in opposition." I do not share that view, but I want to say to my friend from Hamilton that in this matter, as in virtually all other matters of my recollection in almost 14 years in this House, it is true to say that these major reforms of public policy did not attract unanimous approval.

I have had experience in both government and the opposition in understanding how it is that when one moves forward to effect change of whatever kind, it is rare indeed that there is unanimity for what one as an individual private member or as a member of a government seeks to do. Certainly, the government found that in this particular regard. But the government did what it said it would do. It went out, it listened to what the people of Ontario had to say, it listened very carefully to what honourable members in the committee had to say.

My colleague the Solicitor General (Mrs. Smith), and in her absence the member for St. Andrew-St. Patrick (Mr. Kanter), who, I think it must be said, deserves the commendation of the province generally and of the House specifically for the stellar fashion in which he carried forward the very onerous responsibilities that were his as parliamentary assistant to the Solicitor General in this particular regard, listened very carefully to the constructive criticism brought forward, and Bill 113, the first of these two bills, has now attracted nine amendments that have been accepted.

I think that is a good indication, I say to my colleagues in the assembly and the population that might be viewing this afternoon, that the government has listened.

## 1620

To be sure, I say to my friend the member for Algoma (Mr. Wildman), we did not find ourselves able to accept all of the suggestions for amendment that were advanced by the community or by members of the opposition, but we listened, and I said the other day and I repeat now that we listened with great care to a series of representations from the opposition.

I can remember being in my office on one particular occasion. I was somewhat nervous about joining the committee, because I thought my presence might have a destabilizing effect on what appeared to be the very conscientious deliberations of the standing committee on administration of justice; but I watched, for example, on days when the member for Etobicoke-Rexdale and the member for Cambridge (Mr. Farnan) were seized of a very, very passionate conviction that these matters needed a great deal of attention. I was struck by how the chairman of the committee, the staff of the committee and members from all sides on that committee listened with great care to the very remarkable interventions—at least the ones I saw—particularly from the member for Etobicoke-Rexdale and the member for Cambridge.

**Mr. Philip:** You accepted two minor amendments.

**Mr. Chiarelli:** The rest of them were dumb, Ed.

**Mr. Philip:** And then voted against it.

**Hon. Mr. Conway:** The member for Etobicoke-Rexdale says that he did not always attract majority support. He ought to know, from his experience in his own caucus, to say nothing of the justice committee, that is sometimes his lot in life. We very much appreciate his observations, we admire the dogged determination with which he pursues his objectives, but it has to be said that, not only in this matter but in others where I have had a very, very close association with the member for Etobicoke-Rexdale, he does not always attract a majority view from his own side or from the other parties in this House.

**Mr. D. S. Cooke:** He probably has more support than you do.

**Hon. Mr. Conway:** The leader of the House for the official opposition observes that on occasion he finds more support on our side than perhaps in his own caucus. I suspect that is true, because the member for Etobicoke-Rexdale and I were elected together over 13 years ago. He is very compelling, resourceful, and as I said

earlier a man of dogged determination. I have to tell him that his contribution to this long and elaborate exercise that we are now discussing today has not been insignificant.

But it is true to say that the government, after a very good debate over weeks in this chamber last spring when on second reading we debated at great length the issues, in principle, that attach to these two bills, went out to the justice committee and organized through the justice committee very extensive public hearings in 14 different locations. As I remember, I say to my friend the member for Lincoln (Mr. Pelissero), they were widely advertised and very well attended.

Out of all of that process there came a variety of suggestions for change. The government accepted some nine amendments to improve the legislation, because we have never said that we imagined this to be perfect. We certainly said that the bills could be, and we expected would be, improved in the clause-by-clause process; and in our view they were.

So where are we today? To be fair, and I am very anxious to be fair and balanced in this, we have awaited, as a government, the return of these bills from the justice committee, where, as I say, up until the other day some 60 days of legislative time had been dedicated to their consideration.

I know my friend the member for Hamilton East (Mr. Mackenzie) would agree with me—

**Mr. Mackenzie:** Did you say 59 or 60?

**Hon. Mr. Conway:** Well, it is in the neighbourhood of 60. I will defer to the honourable member opposite as to the precise number, but it was very close to 60 when I last checked. It is hard to add up the days, quite frankly, because there have been days dedicated to bell-ringing. There have been other days dedicated to a variety of other, sometimes exotic, sometimes fascinating and sometimes frustrating exercises.

I must say this. To be fair to the opposition, it has indicated from the outset its dislike of this particular government initiative; and that is not unusual for an opposition. I have in fact found myself doing that when I occupied that part of the Legislature.

**Mr. Philip:** So has your parish priest, Sean.

**Hon. Mr. Conway:** My friend the member for Etobicoke-Rexdale makes some comment about my parish priest. I would be very anxious to hear whatever it is my honourable friend has to say in that connection. I can only say that the last time he offered that advice he had the reverend

gentleman's name incorrect. I presume by now he has that straightened out.

**Mr. Philip:** If you'd attend church more often you'd know his name better.

**Hon. Mr. Conway:** Was it not Harry Truman who described himself as an outside pillar of the church? I perhaps might want to join that distinguished former president of the United States, knowing that I could never match the religiosity and the virtue of my friend the member for Etobicoke-Rexdale.

I want to say that the government has been faced with a situation where it was determined to move forward in a thoughtful and deliberate way, as I believe we have. We have, on the other hand, faced an opposition that has said: "Listen, we don't like this. We like it so little"—as the New Democrats have advertised in recent times—"that we are prepared to move heaven and earth to delay and to obstruct."

We have seen in the developments of the last while some extraordinary things. One of those we saw here last week. We saw, for example, the bells ring for 24 hours to frustrate the progress of these important matters.

**Mr. Philip:** You've never rung bells in opposition? When was it you rang them for three days?

**Hon. Mr. Conway:** I cannot answer the honourable member's question. I can tell the honourable member that while a member of the opposition, I always felt that it was my responsibility to oppose vigorously and constructively. I always appropriated that right for myself and my colleagues, but I did draw the line at constructive opposition.

I have felt, I say to my friend the member for Windsor-Riverside (Mr. D. S. Cooke), that there is a demarcation dividing constructive opposition—I expect my colleagues in the opposition to be vigorous in their attack upon the government, both in question period and elsewhere in public debate.

**Mr. Philip:** So ringing the bells for three days is constructive, but ringing the bells for one day is obstructive?

**Hon. Mr. Conway:** I say to my friend, it is not just the ringing of the bells. I acknowledge that bell-ringing is part of our practice, part of our rules.

What I have to say to my friend the member for Hamilton East is simply this: Over the past five years we have seen some delaying tactics that are new and extraordinary; extraordinary in the sense that there is no way for the House then to proceed



to the kind of business that the public out there in Stirling, Bancroft, Rexdale or wherever expects us to responsibly get on with. In this debate, for example, we have seen not just endless belling but also endless reading of petitions where we could not get to the orders of the day.

In recent days, we have seen the very considerable debate on a report from a standing committee during routine proceedings. It is a debate that frankly is quite unusual, and as we have discovered not really dealt with in any effective way within our rules simply because it is treated as a routine proceeding. However, my friends in the official opposition have decided to treat it as something other than a routine proceeding.

Again, I want to be fair. They have advertised what their intentions are. Their intentions in this connection are to obstruct at virtually every turn the government's intention to move this important business along. The other day—

**Mr. Philip:** It has been done before.

**Hon. Mr. Conway:** The member for Etobicoke-Rexdale applauds himself. I say that is his right.

I also want to say that while the opposition has a very important role to play in attacking the government for its shortcomings and for its other failures, the government too—

**Mr. Mackenzie:** There aren't enough hours in the day for that.

**1630**

**Hon. Mr. Conway:** The member for Hamilton East says there are not enough hours in the day for that, and he may be right.

I am reminded of what the late great Sam Rayburn once said. It was something like, "Just about anyone can kick the barn door down, but it takes a carpenter to construct an edifice of that or any other kind." I have to say that having been in the opposition for all those years I know something of the recreational delight and psychological release that comes from attack. I have no lessons to learn in that connection, as my friend the member for Hastings-Peterborough (Mr. Pollock) knows only too well.

There is, in another place, a former government House leader who would really like to be here today, I am sure, to hear yours truly make this speech. I have been a fairly vigorous and regular opponent of government in this place when I felt that government had not quite got it right.

But I have to say that governments have a responsibility. We have a responsibility to

govern in the best interest, as we see those interests, of the province and of the community. The people of Ontario went to the polls and made a determination. Whatever one thinks of that—I can understand that my friends in the opposition might think that somehow the public did not quite do what they would have liked; I used to think that and sometimes say that—we have an important responsibility as the duly elected government of this province to get on in a responsible and reasonable way with the public's business.

There comes a time, I say to my friend from Mount Forest—and I do not have to say this to him, because I do not know anyone who is more sweetly reasonable in these matters than my friend the member for Wellington (Mr. J. M. Johnson), with whom I have done public and legislative business for a long, long time—when the people expect after a good while that the debate is going to be moved along. Surely it is part of the informing logic of parliamentary democracy, and any kind of good public debate, that after a vigorous ventilation of all sides of the question a duly elected chamber such as this is going to be able to decide the matter.

What we have before us now is a government notice of motion that seeks to move these important matters of public policy on to the next stage of debate. It is no more than that. It is a statement by the government that having spent nine months, 60 days of debate in specific, in respect to these two bills, surely it is now both timely and desirable that we should move these matters on to the next stage of debate and then to an orderly conclusion. That is what the government notice of motion standing in my name intends.

I do not want there to be any confusion. I say respectfully to my colleagues in the opposition that I, for one, am both interested in and anxious to hear the next phase of debate. Having heard the member for Etobicoke-Rexdale on a number of occasions in this connection, and having, for example, read the Stratford Beacon-Herald the other day to see that my good friend the recently elected member for the third party, the member for London North (Mrs. Cunningham), was at the pulpit in that wonderful Perth county town addressing the assembled gathering I think on Sunday about this important matter of public policy, I am equally anxious to hear her next sortie in this debate.

**Mr. Philip:** I was in the pulpit too.

**Hon. Mr. Conway:** I hear the member for Etobicoke-Rexdale say that he was at another pulpit in recent times. What we want, I say to my

friend the member for Mississauga South (Mrs. Marland) is to move this along. We are not anxious—

**Mrs. Marland:** Ask the churches.

**Hon. Mr. Conway:** Not at all. I have an understanding of the church point of view in this connection. I want to say that in my part of province there has been a good debate about this particular public or government policy. I repeat: not everyone I have met endorses the government's point of view; absolutely not, I want to be perfectly candid in that.

I have to say to my friends in the opposition that in my communities, rural eastern Ontario, we have a well-established practice where the local option has been accepted by many and rejected by a good number on the other side. I live in the city of Pembroke. Our community has essentially said, "We're not going to have an open Sunday."

**Mr. Philip:** Wait till the neighbouring city does.

**Hon. Mr. Conway:** But I have to tell members, and I say to my friend from Rexdale that I have a little cabin in the woods, high in the central highlands of that great county of mine, and the nearby township has opted into a local option whereby in the shadow of church spires businesses are open and have been open for decades, because they have opted in to a local option that has been theirs, happily provided by—

**Mr. D. S. Cooke:** If you already have the local option, why do you need these bills?

**Hon. Mr. Conway:** The member asks: "Why do we need these bills?" We want these bills because they provide the government with much stronger enforcement powers; they give the government the injunctive power. These bills are exceptionally significant because they give to the government—to the Solicitor General—a far, far greater enforcement capacity than has been the case over the last number of years.

But I just simply want to say that in my communities we have seen some communities opt in and others stay out. I think that is entirely understandable and accords with the good common sense of the people of the Ottawa Valley and what I expect to be the good sense of the people right across the province.

So I do not find anything revolutionary in this. I have listened to my friends in the opposition and I have wondered: "What did the Tories think they were doing in 1976 when they enacted the Retail Business Holidays Act? What do they think the tourist exemption is if it is not local option?"

In so far as the New Democratic Party is concerned, I have to say that the member—pardon me?

**Mr. Mackenzie:** It is a great ambition to outdo the Tories.

**Hon. Mr. Conway:** Not at all, not at all; because you see I have listened, for example, over the years to what the member for Windsor-Riverside has had to say. And I will tell you, the member for Windsor-Riverside has been positively inspired in this connection; and he is inspired, I say to my friend the member for Kenora (Mr. Micalash), because he lives in that wonderful part of southwestern Ontario where he knows that while the bulk of the city of Windsor has opted to close, Amherstburg, not far down the way, has moved to a more open Sunday policy over the past number of years. I have to believe that the member for Windsor-Riverside, when he has offered his opinions from time to time and from place to place, recognizes in the good sense of those opinions that that has not brought about a moral decline in that wonderful part of the province, nor has it created any particular chaos.

My friends, again from places like Sterling and Manotick, will know that in our part of eastern Ontario we have communities as disparate as downtown Ottawa—I think of the Byward Market, for example—Athens, Gananoque, Deep River in my area, to name but two or three that have opted for a more open Sunday; hosts of other communities have said: "We simply choose—in the best of local democracy—to say: 'We are going to remain closed.'" It seems to me that is part of the genius of Ontario.

**Mr. Wildman:** Just like this is democracy.

**Hon. Mr. Conway:** Now of course we have the member for Algoma who chimes into this debate, who I would have thought might have been more cautious after the municipal elections in that great city of Sault Ste. Marie, near which he resides, because I know the honourable member does not hold his finger to the wind. I have more than a little bit of evidence in that regard. But I just simply want to say that I watched the debate in that part of northern Ontario and I was struck by what the people in that community did very recently. I note, as well, that there were other communities that with equal vigour said: "No open Sunday." That, quite frankly, under this legislation is going to be made very clear to them as a significant possibility.

The Leader of the Opposition (Mr. B. Rae) stood in his place on Thursday and suggested how this motion might be out of order. I listened



with care to his argument and I listened with equal care today when the chair released the results of its weekend deliberation. And I am pleased that the ruling is as clear and as strong as it is with regard to the efficacy and the orderliness of government notice of motion 20.

**1640**

I think it is not, as the member for Algoma suggests, anything tyrannical. It is quite the reverse. It is something entirely democratic. In this sense, it is democratic: It is democratic because this motion says we, as a government, are anxious to continue the debate and, given the views of the opposition, we want to give that opposition a further opportunity, after so many months, unfettered by whatever delaying tactics might next be imagined; an opportunity for the members from the Beaches, Hamilton, Mississauga and wherever else to come forward and debate, in an orderly way, the issues of Bill 113 and Bill 114 at the report stage again and committee of the whole House and third reading.

**Mr. Wildman:** And to end it.

**Hon. Mr. Conway:** My friend the member for Algoma is right. I repeat something I said earlier. It seems to me that part of the informing logic of any democracy has to be that a good debate ought to be had, all sides ought to be heard. Hopefully, government or positions in general might be adjusted to take into account the wisdom that is generated or the good ideas that are brought forward in that debate, but a good debate must come to a conclusion.

If it does not, then I do not know how it is that any reasonable person could imagine this democracy of ours to be defensible, to be justified to those out there in communities as far flung as Blind River and Deep River, where the good people expect the members of the Legislature to vigorously debate but to ultimately decide.

If the opposition does not understand that, we in government understand that, because we have a responsibility not only to debate, and in the course of that debate to listen and to amend, but to decide a question, to put in place the new policy, as we want in this connection, and to move on to other business.

In conclusion, I recommend to the attention of honourable members opposite the wisdom of supporting this mechanism to move this now nearly year-old debate on to a next stage.

**Mrs. Marland:** Don't finish. I am enjoying it.

**Hon. Mr. Conway:** I say to my friend the member for Mississauga South, my experience in government is teaching me to try to make my

point with perhaps more clarity and in less time than might have been the case when I was in opposition.

I just have to say that what we have done is to put before the assembly a motion that allows the debate to continue and to take it, then, on through those stages to an orderly conclusion. So I cannot imagine, apart from some rhetoric that might arise in this debate, that there is any reasonable person who imagines that this is anything but fair, even-handed, and I might even say expected. I have had a sense that there were those who were waiting for this kind of a motion so that a debate that had gone on for so long, that had become so irregular, could now be brought into a more organized final phase.

My colleagues in government are anxious to have this motion debated and voted upon. I, for one, want to resume my place to hear my colleagues make their submissions at those next stages.

**Mr. Mackenzie:** You are going to stay in the House.

**Hon. Mr. Conway:** I have shown, I think, a very good degree of interest in these and other debates, I want to say to my friend the member for Hamilton East, and I will be here to listen with great care to the submissions of honourable members opposite. Quite frankly, I am going to be interested to see whether or not the member for Cambridge and the member for Durham East (Mr. Cureatz) will find any need to be more focused in the next round of the debate than perhaps they were that day when I checked in on their interventions at the standing committee on administration of justice.

I conclude my remarks by repeating that we have spent virtually nine months—a lot of time. This motion seeks now to move this along. I cannot imagine that my friends opposite are going to want to do anything but approve it and get on to the next phase of what has been one of the most interesting debates of important government policy; I repeat again, a policy that seeks, after a lot of deliberation and amendment, to more fairly, more efficiently and more enforceably regularize the regulation of retail store hours in this province of ours.

**Mr. D. S. Cooke:** I am not going to say that I am happy to join in this debate, but here it is and obviously the government House leader knew it was coming.

**Mr. Speaker,** I do not know if you had the opportunity to watch Provincial Affairs this past Saturday night, but I did. The government House leader spent a good deal of the time attacking my

party. I took that as a compliment, because I think we have demonstrated over the last number of months our vigorous, real and very strongly held views on the government's plan to expand Sunday shopping.

I guess the offensive thing about the Provincial Affairs presentation was that either the government House leader took for granted the decision the Speaker was going to make today or it was taped before Thursday afternoon—one or the other. In either case, he obviously assumed that the Speaker was going to rule in favour of the government. I think that indicates a bit of arrogance. It is not appropriate for a government to take a Speaker for granted in the Legislature.

This has been a bad session for the Liberal government in Ontario. There is no doubt about that at all. They have had difficulty with the Sunday shopping bills; they have had no focus; obviously they have no vision; they are being criticized in the press because they do not have a vision. They have lost the progressive nature they had during the 1985-87 period, when we imposed that progressive flavour on government with the accord. They have developed an arrogance which we have come to know very well in majority governments in this province. This issue demonstrates the lack of honesty the Liberal government has brought to the politics of Ontario as well.

I should point out that if I had taken notes during the entire time the government House leader was speaking, I could probably speak for several days in response to some of the things he said.

One would get the impression, from listening to the government House leader, that when they were in opposition they were just very quiet; they voiced their opinions on issues but they did nothing that would be called, as the government House leader calls it, obstruction. I have another word for it and I will get into that later.

I remember when the Liberal Party was in opposition it used several tactics. I think it was the former member for Rainy River, Mr. Reid, who spoke for hours. I do not know whether it was that tactic or the bell-ringing that almost prevented all the civil servants in the province from getting their pay.

**Mr. Wildman:** The member for Renfrew North (Mr. Conway) himself spoke at great length.

**Mr. D. S. Cooke:** Yes, he did.

Extraordinary tactics were used on sales tax legislation. It was not uncommon for the Liberal Party, when it was in opposition, to challenge the

chair, to divide and vote against the Speaker on several occasions. In fact, the member for Perth (Mr. Edighoffer) himself—as was pointed out last Thursday—voted on at least two occasions, I believe it was, against time allocation. He took the view, as we did last week and today, that time allocation is not provided for in the rules of the Ontario Legislature and therefore should be ruled out of order.

I would like to go back briefly to talk a little bit about the history of these two bills, because if it were not for these two bills, obviously we would not be dealing with this motion.

## 1650

The history on Sunday shopping is an interesting one. Prior to the last election, there was a consensus that had developed in this Legislature. I would like to respond for 30 seconds, because I think that is all it is worth, to the comments the government House leader and other members of the government have made on occasion about comments that I made in our local newspaper.

When I made comments when the select committee on Sunday shopping was being set up I said, and I felt then and I still agree with the position that I took at the time, that a select committee should be set up; the Legislature should review Sunday shopping; we should deal with that type of issue in a way that would review past practices and try to develop a consensus.

In minority government that was done. A consensus was formed and a report was tabled with the Legislature—a unanimous report. All three parties supported the report from the select committee on Sunday shopping. I would like to read a few of these consensus recommendations, unanimous recommendations that were passed during the time of the minority government.

“Your select committee on retail store hours adopts the following principle and makes the following recommendations:

“Guiding principle: The committee supports the principle of a common pause day in Ontario. Legislation regulating retailing on holidays, including Sundays, should therefore be structured to support the maintenance of such a common pause day, or day or rest.”

“Recommendations: 1. The primary responsibility for the administration of the Retail Business Holidays Act, or other legislation relating to retailing on holidays, should remain that of the provincial government.”

That is the number one priority recommendation of this committee. It was a unanimous recommendation. What does the government do as soon as it gets its majority? It passes the buck



and dumps the major responsibility not on the provincial government, but on the municipal governments. That is something, Mr. Speaker, I know you felt very strongly about when you were a municipal councillor. You were, as I was, sick and tired, and continue to be sick and tired, of this government and past provincial governments dumping the responsibility on municipalities so that local councillors have to take the heat when a provincial government is afraid to tackle hot political issues.

**Hon. Mr. Riddell:** So much for local autonomy as far as the socialists are concerned.

**Mr. D. S. Cooke:** It is not local autonomy. It is not local autonomy when the government dumps something. When the government dumps it on to the municipalities—

**Hon. Mr. Riddell:** So much for local autonomy. You people want to run everything. You want to nationalize Inco. What else do you want to do? You want to govern the whole thing.

**The Acting Speaker (Mr. M. C. Ray):** Order, please. I would like to make a comment. I would request that the member for Windsor-Riverside not draw me into the debate because I do not have the opportunity of responding to his statements with respect to me personally. Could he continue?

**Mr. D. S. Cooke:** I am not quite sure where the member for Middlesex, the Minister of Agriculture and Food, was coming from when he talked about local autonomy and then said something about nationalization of Inco, but then I have never really understood where the minister was coming from. I do remember, though, in the last provincial election he came into the riding of Essex-Kent and played those kinds of red-baiting tactics in order to defeat Pat Hayes. It is something that the minister should not be very proud of.

**Hon. Mr. Riddell:** On a point of order, Mr. Speaker: I am from Huron county. I wish you would get that straight. I am the member for Huron.

**Mr. D. S. Cooke:** I know the minister's background very well. We know what he thinks of labour. We know what he did to the Fleck workers. We know his background very well. His background is not something to be very proud of for workers in this province.

The third recommendation of this unanimous report was that the municipal level of government should retain the right under the Retail Business Holidays Act to exercise specified, delegated authority; for example, the decisions

on the designation of local tourism areas. That is very important because this unanimous report does not say that the whole ball of wax should be dumped on the municipalities. What this report clearly says is that the designation for tourist areas should remain the responsibility of local governments, which know that particular aspect of this issue best. It does not say that the entire issue should be dumped on to the municipalities.

Recommendation 12 said: "The government of Ontario, with the Ministry of Tourism and Recreation playing a lead role, should undertake appropriate analyses to develop a provincial framework and policy standards which would define provincial objectives for holiday retailing in support of tourism in Ontario. Such a provincial framework should develop the definition of tourism and be designed to assist municipalities in their consideration of local tourist area bylaw exemptions under the Retail Business Holidays Act."

Clearly, the recommendation here says: "Yes, there was some problem in the area of designation of tourism areas, but you don't throw away the whole principle of a provincial ban on Sunday shopping and the authority at the municipal level to designate tourism areas because you have a problem with defining 'tourism.' Instead, you study the issue and you properly come to a solution and put that into the legislation."

That recommendation was never followed up on. Instead, during the provincial election of 1987, the Liberal Party took the position that the status quo should remain. There was a consensus in the province. All three political parties supported the select committee report and the Premier (Mr. Peterson), the leader of the Liberal Party, said at the time that this should remain and that if he were re-elected on September 10 there would be no change in the government's policy on Sunday shopping.

On September 10, the Liberal Party got a majority. In December, just a couple of months later, the government announced its policy change: it is going to dump the responsibility on the municipal governments. The result, of course, will be Sunday shopping right across this province.

This is just one example of many where the Liberal Party said one thing during an election and did the exact opposite. When it made this announcement we forced the government to allow public hearings through tactics that the government House leader might talk about as being obstructionist tactics; we talk about them in terms of holding this government accountable.

We read petitions into the record for days. We did not allow the provincial Treasurer (Mr. R. F. Nixon) to read a budget—not something that we felt terribly comfortable with, but we had no alternative, because at that point the government was refusing to hold public hearings across this province. It was only because of the reading of the petitions and the bell-ringing in the spring of 1988 that the government was forced to have public hearings across this province, and that is something I am very proud of and was proud to be part of a caucus that did that.

That is not obstruction. That is not obstruction at all. That is forcing a government to do what it should want to do but what an arrogant majority government refused to do in Ontario.

That was the case. This government had no mandate to bring in Sunday shopping across this province. They can talk about having 94 members in this House and that the majority should be allowed to govern, but the majority should not be allowed to say one thing during an election, get a mandate from the people of this province to maintain the status quo on Sunday shopping and then reverse policy and expect that their majority allows them to do that. That is not honest, that lacks integrity, and that is not something this party will stand for. We will fight it, whether it is Sunday shopping, whether it is a workers' compensation bill, whether it is insurance rates or whatever the issue is. That is our responsibility, that is our role, and we intend to do that as the official opposition.

There was one time in this place when we did support a time allocation motion. I am not going to say there should never be time allocation in this House. There will be extraordinary circumstances, I think, and I agree with the government House leader on that. I will read later some comments where I agree wholeheartedly with the government House leader about time allocation.

I think there should be an amendment to the rules, and we have been struggling with this government to try to get some changes in the rules that would benefit both the government and the opposition parties and make this place work better. To date, the government has rejected our proposals and we have gone no further than the interim rules that were brought in during minority government.

We supported time allocation on Bill 94, the bill that banned extra-billing, because of a couple of things. We had a doctors' strike across this province and the delay in passing Bill 94 was lengthening and increasing the intensity of that strike. There is no doubt about that. As soon as

Bill 94 was passed, the strike ended and collapsed.

#### 1700

It was costing the taxpayers, through the continuation of extra-billing, \$1.1 million per week. There clearly were extraordinary circumstances with Bill 94. We had already debated it for quite some time, and I think in that case there was no alternative but to bring in some form of time allocation that brought that debate to an end.

But clearly those are extraordinary circumstances, and those extraordinary circumstances do not apply to this situation whatsoever.

Why do the Liberals want these bills passed in the Legislature at this particular time? Why is it necessary? Is there an emergency in the province? There is no emergency to do with Sunday shopping in this province. Is there anything else on the Liberal agenda that is being held up as a result of Bills 113 and 114 not proceeding?

I have before me a list of government priorities, government legislation that must be passed. I am not going to read through it all, but it is not a very impressive list whatsoever. There are a couple of pieces of legislation like Bill 124, the Children's Law Reform Amendment Act. We have dealt with it; it has gone out to committee.

The Independent Health Facilities Act: We are not in agreement. The Conservative Party is not in agreement, but there has been only one day scheduled for Bill 147. By some strange coincidence, Bill 147 is seen as being an anti-free-trade piece of legislation. The only time Bill 147 was called for debate was two weeks before the federal election, when the provincial Liberal government was trying to help John Turner on the free trade issue. That was the only reason it was brought forward. It is not on a government priority list.

We still have on this list, to show how accurate the government list is, Bill 168, the Power Corporation Amendment Act, which was also an anti-free-trade bill which also was debated that same week. Today, the bill is withdrawn. We said that week that it would be withdrawn; it was withdrawn. Of course, the other bill that was in at that time was the Water Transfer Control Act, which we have not heard a heck of a lot about either, but it is on the list.

The fact of the matter is that there is nothing much here that has been on the list. The government did not see these bills to be priorities. I would dare say that if the Sunday shopping bills had been dealt with before



Christmas, none of these bills would have been a priority.

The government does not want to be here. They would rather be elsewhere. I am not quite sure why. We in this party like the idea of being here and holding the government accountable day after day after day in question period and dealing with issues like health care in this province, which is incredibly important and which is not being adequately dealt with by this government.

I would dare say that the main reason the Liberal Party brought in time allocation last week on these bills is because it is embarrassed. They want to get out of here. Their Minister of Health (Mrs. Caplan) is in trouble over health care issues. The Solicitor General has been an embarrassment in the way she has dealt with issues. More important than any of those issues, there is a thing called the Ontario Automobile Insurance Board. The insurance rate review board will be reporting the decision on insurance rates in this province either at the end of this month or up to February 20.

I might say to you, Mr. Speaker, that last week we were told the insurance rate review board would likely report on February 3. Today, we are told it will not report any later than February 20. I may be cynical, but I have a strong feeling that the February 20 date has something to do with time allocation and getting the New Democrats out of the Legislature so that when that rate review board reports a 20 per cent, 25 per cent or 30 per cent increase in insurance rates, the government will not be here to be held accountable. That is the reality of the situation; I think that is very true.

Of course, in insurance, the government is also very much embarrassed because it again said one thing during an election and did the opposite. In fact, members you will remember that three days before the election was held the Premier said he had a plan to lower insurance rates. Only a few months later—in fact I think it was the same month that the government announced its switch in policy on Sunday shopping—it raised the insurance rates 4.5 per cent. Then a few months later it gave the insurance companies another 4.5 per cent; so that was nine per cent when the freeze was in effect. Heaven only knows what the insurance rates will go up to in this province when the rate review board reports in a matter of a few weeks.

I would like to go back to some comments that the government House leader made when he was on this side of the House, because I think some of

these are very interesting. Some of them, quite frankly, are quite hilarious, but I will read them anyway.

This is on December 8, 1982, on a time allocation motion that the former government used to bring in Bill 179, which was a wage control bill that was subsequently found to be unconstitutional, but nonetheless was an emergency for which this House had been brought back that year in September by the Davis government. We had held the bill up because we were totally opposed to the bill in principle. In December 1982 Mr. Wells, then government House leader, brought in time allocation.

The member for Renfrew North said: "On behalf of my colleagues, I would like to offer a few comments with respect to the government notice of motion 10 introduced in the name of the government House leader.

"It is of genuine concern to my colleagues and to me that we have before us so serious and so significant a departure in terms of the way we have conducted ourselves in the Legislative Assembly for lo these many years.

"Let me reiterate what I have said on an earlier occasion. I, like many others in this assembly, have been taking note of the fact that we have arrived at this parliamentary impasse because one group of politicians, one group of members, has made it clear it will not easily agree to the passage of this legislation. That is the right of these members.

"However, in the course of this difficult passage, we must be very careful that we do not allow to be put in our tradition, as we stand now to do, not one but two serious departures by way of closure. Those of us who sat in the standing committee on administration of justice last week saw the first departure in that connection, and now we see this.

"Quite frankly, as my colleague and leader has indicated, it is an experience and rule among lawyers that difficult cases make for bad law. I am deeply concerned that, in the course of this difficult passage, we are going to write very bad new rules into our practice here in this assembly."

I totally agree with the government House leader. What happened in that case was that we brought in time allocation without amending the standing orders of the Ontario Legislature. That precedent has served governments since then to bring in time allocation a few times.

It would be much more appropriate, as the member for Renfrew North said at the time—and I agreed with him at the time and agree today—that

if we are going to have this type of action taken in the Legislature, what we should do is renegotiate the rules, we should be properly addressing the issue in the rules so that oppositions and majorities are protected.

We had another debate in February 1983. At that time, I think we were dealing with Bill 127. Again, the government House leader—I think at the time it was as Education critic for the Liberal Party—spoke in opposition to a closure that was brought in on Bill 127.

I just want to quote a couple of things. “I do not intend to be long but I want to say—unless the government House leader ulcerates with that concern—one cannot but come to the conclusion that the government notice of motion 11, which I understand was not written until after adjournment last evening, is before us today because very late in the session the government House leader decided on a reasonable date of adjournment to facilitate the first minister’s travels to France and other such considerations. Having decided on a date of adjournment, everything was worked back from the date of adjournment, which I understand is thought to be Friday.”

#### 1710

I could run through all sorts of quotes. Again, the government House leader makes the point very well that the Legislative Assembly should not be passing time allocation without proper adjustment to the rules of the Legislative Assembly. That has not been done. We have had that opportunity on many occasions when we have been negotiating the rules. We have had several meetings on it and not once has the government House leader or the government party raised the issue of bringing in time allocation rules.

I think the time would be appropriate for the government to do that. If it wants to negotiate that as a package, then we are certainly prepared to talk about it. We will want other things in return. We would want all sorts of protections for opposition parties. But it is inappropriate and it is wrong for the government party to bring in time allocation on these bills.

I think there is a real question, as raised in our point of order, of whether it is appropriate to bring in time allocation on two bills at once. The fact of the matter is that Bill 114 had very little attention paid to it in committee. Members had just got to it in committee of the whole House and the argument about the amount of time spent on Bill 113 simply does not apply to Bill 114.

I want to sum up by saying that I think it is clear what the government has done here. It

brought in a bill, Bill 113, which will extend Sunday shopping across this province and it passed the buck to municipalities. The government can talk about local autonomy and democratic accountability at the local level, but the fact of the matter is there was not even consultation with the municipalities. There was no consultation whatsoever.

The government can hardly say there is agreement on local autonomy when the fact of the matter is the municipalities never agreed to this process whatsoever. In fact, many municipalities appeared before the committee. The Ontario-wide association, the Association of Municipalities of Ontario, appeared before the committee and it unanimously opposed the government’s position on passing the buck.

Bill 114, the labour bill, does not do what the government says it is going to do. It does not protect workers. The government knows as well as I do that there is absolutely no way it can protect workers who refuse to work on Sundays. The government can say that there will be a panel, that there will be an appeal process, but who is going to protect the worker if a month later there is a layoff, a cutback in hours or whatever other tactic is used?

Time allocation, I think, is a sad commentary on this government. It is a sad commentary on a majority that has become more and more removed from the people of this province. There was not a lot of discussion on Bill 114. I think what this government has done is use its majority to force these bills on an unwilling Legislature, which is very clear.

More important than the Legislature, the government is using its majority to force these bills on an unwilling public. I can speak on behalf of this caucus. It will be opposing this bill. We will be discussing it at length. I hope that while we are debating, the government will reconsider its position.

**Mr. Harris:** I am delighted to be back. I was going to say, “I am delighted to enter into this debate.” I do not think anyone is delighted to enter into a debate like this, so I hedge my delight in that sense. I am delighted to have the opportunity to be here, though, to get my thoughts and those of my party on the record pertaining to this motion brought forward by the government.

I want to say that the disappointment I felt today on the ruling the Speaker made on this motion is really with the government in bringing forward the motion. I want to indicate it is not the ruling I would have made had I been the Speaker,



because it is a very precedent-setting ruling. I want to indicate that it was a difficult decision the Speaker had to make because I believe in this chamber it set the potential for a number of precedents.

I support the Speaker. I accept that the Speaker made the ruling in the spirit of trying to achieve the delicate balance between the rights of the minority in this parliament and the rights of the majority government to govern, and for that reason I support the Speaker in his role. I support that he made his decision based on the best available information he could find. I will live, of course, with the Speaker's decision.

But I want to say that I was disappointed. I am disappointed the government chose to proceed in this direction. I have the odd little quote I would like to make on the matter.

First, Beauchesne on the matter of the principles of parliamentary law states, "To protect a minority and restrain the improvidence or tyranny of a majority;"—I suggest that if we are not dealing with both improvidence and tyranny of this majority, particularly as it pertains to Bill 114, certainly improvidence would carry the day, and I suggest a strong argument can be made for both—"to secure the transaction of public business in an orderly manner; to enable every member to express his opinions within limits necessary to preserve decorum and prevent an unnecessary waste of time."

The operable words here are "to enable every member to express his opinions within limits necessary." We are dealing here with Bill 114, which received second-reading debate in one hour. It moved on to committee where the public was heard from and then it received two sitting sessions in committee which translated into—I do not have the actual times, but one of them was half an hour and the second session slightly under an hour, in that order.

Certainly, it was sent to a standing committee where two members of my party of 17 had an opportunity to speak, perhaps, in that period while it was in the standing committee. So 17 of my members sharing time with 130 members of this assembly had approximately an hour on second reading and two of my members had an hour or an hour and a half to share with seven government members, I guess, and two New Democratic Party members in committee.

What I am suggesting to the Speaker is that under the definition of Beauchesne, the Speaker ought "to enable every member to express his opinions within limits necessary to preserve decorum and prevent an unnecessary waste of

time." All the members of my caucus have not had an opportunity to express their opinion on Bill 114. It says, "to give abundant opportunity for the consideration of every measure, and to prevent any legislative action being taken on sudden impulse."

## 1720

I suggest to the House that I disagree with closure on Bill 113, and I will be making arguments. I suggest that as far as Bill 114 goes, which in my view is a different bill brought in by a different minister to cover a very different situation than Bill 113, part of it to protect some of the workers from the very problems Bill 113 caused, it is a very far-reaching piece of legislation and, many argue, unconstitutional. I happen to be one of those who suggested it probably is an unconstitutional piece of legislation, and I am sure there will be challenges to that effect. They are two very different pieces of legislation and I suggest the legislative action being taken was taken on sudden impulse to deal with Bill 114.

Those are the rules as set out by Beauchesne that the Speaker should try to maintain. For those reasons, I suggest there was ample opportunity, in a very difficult decision the Speaker had to make, to suggest that the debate not be shut off.

In the introduction of the time allocation motion, particularly with respect to Bill 114, it seems the government has no regard for the tradition of our parliamentary heritage. It is not only that the government is not prepared to allow for adequate debate on a very controversial bill, but it also appears unable to sit down at the table and negotiate with the opposition to come to some reasonable conclusion as to the amount of time that is appropriate for debate on Bill 114.

I want to refer as well to something else the Speaker said today. He used an example of unanimous consent that was given at some particular time. Beauchesne is very clear, on page 7, section 14, "Whenever the House proceeds by way of unanimous consent, that procedure does not constitute a precedent." I understand the Speaker took that into consideration, but if so, I do not know why he quoted the precedent as any licence to help him make his decision. I am a little uncomfortable with that part.

On page 117 of Beauchesne, we have the rules for closure. "Closure is a method of procedure which brings debate to a conclusion and enables the House to secure a decision upon the subject under discussion....If debate is on an amendment

under closure, and a division takes place on that amendment," etc. It gives some examples.

"A motion for closure applies not only to the main motion under debate but also to such amendments...." We understand that.

"A motion for closure applies to all the formal subsidiary motions.... 'Consideration' of a clause or other item may be achieved by as little as one speech when the item is called."

One would think closure ought to be used to fit this criteria once every individual member has been given some opportunity, which clearly has not been the case on Bill 114.

As well, it talks about time allocation for stages of the bill. Page 224, chapter 17: "A motion for the allocation of time may set out in detail some or all of the provisions which are to be made for the further proceedings on the bill." Not "on the bills"; "on the bill."

We are now dealing with two of what the government feels are very related pieces of legislation. While I understand there is the odd connection, I would suggest they are two very different pieces of legislation, with two very different thrusts.

There are four sections there, 730, 731, 732 and 733. I do not want to read them all, but I want to make it clear that I could find nothing in Beauchesne's Parliamentary Rules and Forms that talks about two bills being brought together at the same time for closure.

Also, Erskine May, page 454, talks about allocation of time orders or the guillotine motion. I do not want to read the whole preamble. Others can refer to this. It says, "But the harshness of this procedure is to some extent mitigated either by consultations between the party leaders or in the business committee"—the House leaders—"in order to establish the greatest possible measure of agreement as to the most satisfactory disposal of the time available."

I suggest to you, Mr. Speaker, that given whatever the time—the government in this case has considered four days the time that ought to be made available—those discussions have not taken place as to how to best use that time.

For those reasons, I would have thought a little reflection might have been in order, for those discussions to take place. I suggest to the government House leader that there is still some time for that, that he might entertain an amendment to this motion he has placed before us and that it may be appropriate some discussions take place as to how the government has seen fit to allocate the time.

I am under the sense there are not too many government members who feel they want to enter into this debate any further, but there are a number of opposition members who would like to enter into this debate, particularly those who have not had the opportunity under Bill 114.

I urge both the government and the official opposition House leaders to sit down with me and take a look at whether we cannot allow more substantial debate, on Bill 114 in particular. How many hours? On second reading, there was a little over an hour, about 19 to one what was allowed for Bill 113. I find it passing strange that the government thought 19 or 20 hours was appropriate for Bill 113, whereas an hour or so was appropriate for Bill 114. That does not make a lot of sense to me.

The document the government released to the media indicates first reading, April 25, 1988, no debate, no time spent; second reading, June 16 and June 20, one hour of debate.

### 1730

How much can be said, how many speakers can get on the record during an hour in second reading debate? How many speakers can get their views on the record in a meaningful way on a very substantial piece of controversial labour legislation, precedent-setting and possibly, as the Ontario Federation of Labour has said, unconstitutional? This is the bill the government now wants to rifle through this House. Let's have a look. I have the Hansards here. How many people?

**Hon. Mr. Conway:** How many wanted to? There was no restraint.

**Mr. Harris:** The government House leader interjects, which I am supposed to ignore. I understand that, but he does bring me to another train of thought. How many wanted to? Let's say that on Bill 114, in second reading, there was a great deal of co-operation by these two minority parties on this side of the House. They had an understanding or at least felt that there would be a little more ample opportunity for all members to have some substantial debate in committee of the whole after the hearings took place.

Unfortunately, the hearings took place and there was next to nothing in the way of debate in committee, because at that time the government agreeing—I sense, because they whipped it through in an hour or so—with the opposition parties that all our members wanted to get on the record. We did not give them time during second reading.

We went along with the government plan to let us go home for the summer on the understanding



and the feeling that we would hear from the public. The committee would have a chance to have a look at it. We then made a decision, "Let's let it come back into committee of the whole because all our members have been caught up with the opposition to this particular piece of legislation."

How much time has Bill 114 had in committee of the whole for my members to have an opportunity to speak on it? Not one minute. It has not been given any time. There has been no consideration of time to review this piece of legislation in a meaningful way.

On second reading of Bill 114, the minister had a few comments. He went through one page, two pages. The member for Hamilton East had an opportunity. I am looking through Hansard here. The member for Nipissing (Mr. Harris) had an opportunity, so I am not making this case so much on my behalf as on behalf of all the members of the chamber, and particularly the member for Mississauga South. That was it, by the way, all that I could see there.

On June 20, 1988, the member for Nipissing again had an opportunity for a few comments. He finished my remarks from the day before and that was it. So on second reading, I was the only one of my caucus who had an opportunity to speak on this particular bill. We then proceeded, as I said, to the hearing stage. We facilitated moving this bill out of committee in less than two hours, to come back into the House so that the rest of the members of my caucus and indeed the official opposition and the members of its caucus would have an opportunity to speak on the bill.

Before it was even called, we were faced with the guillotine motion, the time closure, the "That's it. We'll tell you how much time you'll have to speak on this bill and that's the end of it."

I have a number of remarks to make about closure in general, but I really suggest to the members of this House and to the government that on Bill 114, to bring in closure on a bill that has had so little legislative time and that has such far-reaching implications, particularly in labour, particularly for working men and women across this province, is totally out of line.

I am also going to take the opportunity to refer to Bill 114, only in the context of pointing out the complexities of the bill and how unfair it is that this closure motion should be brought in on such a complex piece of legislation when less than an hour of second reading debate time was provided to the membership of my caucus at large and when absolutely no time was provided in committee of the whole to my caucus.

Before I move on to that, I want to refer to a few comments that were made by the member for London Centre (Mr. Peterson) on December 8, 1982. This was at the time when the Inflation Restraint Act was being debated. Many members will recall this was wage and price restraint legislation, or the nine and five, as it started out.

This particular legislation, many have argued, was the saviour of this province. Many have argued it was the resolve of the government at that time that allowed this province to lead the way in this country in the fight against inflation. It was part of a package that allowed this province to lead this government through a difficult recession and to position the businesses and the men and women and the people, and indeed the government of this province, into a very enviable position when that recession ended.

What did the member for London Centre say on December 8 when our party at that time was forced to bring in closure so that this legislation could help this province wrestle the demon—

**Mr. McGuigan:** We were wrong then and you're wrong now.

**Mr. Harris:** The member for Essex-Kent says that his Premier was wrong then. I would like to get on the record what the member for Essex-Kent feels his Premier was wrong on. He said:

"As my colleague pointed out, there were other options. That is why we cannot support this motion for closure, guillotine, phase closure, time allocation or whatever one wants to call it." "There were other options." As the House leader for the New Democratic Party has pointed out and as I have pointed out, there were many other options available to the government here as well.

He said: "I have the right to pursue the most vigorous opposition that I can pursue, and the longer I am here the more I believe very strongly that the opposition is the only thing that stands between government and the sheer, naked use of power. It is the only check we have in the system, and I believe it is our responsibility to exercise it in as responsible a way as we can."

That was the current Premier in 1982, talking about wage and price controls, the one piece of legislation that I am sure every significant economist would point to as being the one that signalled and paved the way to wrestle the demon inflation to its ground. It was wrong for that important, significant piece of legislation.

Now somehow it is right for Bill 114, a silly bill about which every organized labour group, every retail worker has said: "It offers us no protection at all. It's a waste of time. Why bring

the thing forward at all?" The people it is supposed to protect say: "We don't want it. Scrap it." It causes complications with all of the other workers, it is discriminatory, the very mildest criticism that could be made about it. That bill ranks with wage and price controls in 1982.

**1740**

The member for London Centre also said: "Speaking for myself and our party, I say that part of our responsibility in pursuing what I hope to be a vigorous opposition is that we want to amend the bill and make it better. We regret very much that we have been precluded by certain kinds of behaviour from having that kind of discussion."

What opportunity have 15 members of my caucus had to amend Bill 114?

**Mrs. Marland:** None.

**Mr. Harris:** None. They have had no opportunity to represent their constituents and to amend this legislation. While we tried to facilitate moving this bill along and moved it out of committee in less than two hours, so we could get it to the committee of the whole so that all of the members of my caucus could have an opportunity to discuss, move amendments and improve on this piece of legislation—if indeed it is improvable, if that is possible—what happened? The guillotine motion was brought in.

In 1982, the member for London Centre said, "That is not right." He said one other thing, "We regret the use of closure and the fact we are being punished for the NDP behaviour." I like this one. I am not sure what the NDP behaviour was, but the member for London Centre felt that his party was being punished for the NDP behaviour. He goes on, "We believe that a rational, sensible approach to this whole matter is being precluded from being discussed because of government overreaction to a series of irresponsible behaviours."

He felt punished, as a member of an opposition party, because in his view one of the others was being irresponsible. I suggest to members that I do not think the situation is quite the same. I do not think that my colleagues to the right of me in location, and sometimes in philosophy, are or have been in any way irresponsible.

**Mr. D. S. Cooke:** That's why you're going for the moderate vote.

**Mr. Wildman:** That's not going to win Frank Miller's vote.

**Mr. Harris:** You've got to go for the ones you don't have.

I want to suggest to members that in dealing with these pieces of legislation, unless it was while I was away last week, I have not seen any indication that my colleagues have been anything but rational, speaking on behalf of their constituents, speaking on behalf on those who made representations to the committee. The only time that comes to mind—there may have been others—when I thought that the New Democratic Party acted irrationally was in 1985. I think they regret it, I think they regret the decision they made at that time.

However, as I supported the Speaker's ruling, although I indicated it is not how I would have ruled, I support the decision that was made in 1985 and the right to make it as well.

What about the Minister of the Environment (Mr. Bradley)? I understand from talking with the government House leader that the Minister of the Environment does not plan to enter this debate, which shocks me, because he sure planned to and did enter the debate of February 15, 1983, the birthday of the member for Mississauga South.

The member said: "I recognize that is more embarrassing to the government because it would likely mean this form of closure would have to be invoked several times as we went through the various sections of the bill." He was criticizing, as one might imagine, closure that encompassed all the stages of the bill. He thought that was wrong. "That would be embarrassing. It would perhaps prolong proceedings for a greater period of time than would suit the members of the governing party. Nevertheless, if they were intent upon imposing closure, it would have been the preferable method of doing so."

One stage at a time. See what the debate is like at a particular stage of a bill. If it is a problem, if everybody has had a chance to have their say, close it off. That, I suggest to you, is what the Minister of the Environment was suggesting: Do not close it all off, all stages, all members for all time. Do it a piece at a time.

Perhaps after me reminding him of what he said in 1983, he will want to enter this debate and suggest to his colleague the House leader: "Perhaps we've erred. Perhaps we should discuss this motion with the House leaders. I know you didn't do that, House leader of mine, you didn't talk with the official opposition House leader nor the Conservative Party House leader and discuss how your time allocation motion will be constructed or phrased or brought in."

The member for St. Catharines, on February 15, 1983, said: "I feel the government would



have been much wiser to have adopted a different course of action. I think it is blocking the democratic process; that is a mild word to use."

The member for St. Catharines said that. He is not here to say it today. I think it is important that government members understand. Obviously now, in a majority government, with a sense and a feeling that, "We can do whatever we want whenever we want," his viewpoint has changed.

There is one other thing the member for St. Catharines said at that time: "I ask that he"—meaning the then Premier—"recognize the lack of wisdom of proceeding with a motion of this kind. It clearly stamps his government as one that is prepared to bulldoze legislation—important and less important—through this House."

At that time, we were talking about Bill 127, An Act to amend the Municipality of Metropolitan Toronto Act. This dealt with amending certain frameworks within the education system, namely, the responsibilities and obligations of the higher tier and lower tier of school boards here in Metropolitan Toronto.

I find it passing strange that if the member for St. Catharines and the current Premier felt it was not the right thing to do at that time—this is a bill that provoked this kind of reaction—they have been in government now for some three and a half years and there has been no move to change this back. The school boards obviously feel it is working. They have obviously accepted that it was the right thing to do, but that is what the member for St. Catharines thought at that time.

The government House leader today went on at some length in this debate and failed, in my view, to refer to some of the very important comments he himself has made in this House on a number of occasions.

#### 1750

I think it is appropriate to refer to those, to try to understand the rationale for this motion at this time, the rationale for the bringing together of two very different bills, one a justice bill dealing with Sunday shopping, dealing with municipalities and the other a labour bill, and to try to help us understand where the government came from, not only in bringing the two together, but on one motion to cover all aspects and all phases of those two bills.

The government House leader, the member for Renfrew North, on December 8, 1982, said, "Quite frankly, as my colleague and leader has indicated, it is an experience and rule among lawyers that difficult cases make for bad law."

He said, as well, "I would like very much to see the resolution of this deadlock by means of

the framework we have evolved here since my arrival seven years ago, namely, the House leaders' panel, because I do not want to see this kind of new order born in the middle of this kind of deadlock and difficulty." That was December 8, 1982.

As I quote those comments of the government House leader, who was then just the member for Renfrew North, surely nobody is in a better position to follow this advice than the government House leader himself. Surely nobody is in a better position to accept that very advice he offered to this House in 1982.

**Hon. Mr. Conway:** Winston Churchill once said eating your own words could be an agreeable diet.

**Mr. Harris:** I suggest to the members that the House leaders' panel has had no opportunity for one second to discuss the framework, the content or the method of the closure motion. As one of the member's colleagues pointed out, that would have been appropriate.

He says, as well, "Notwithstanding what some in the government may feel, I think we threaten to poison this parliamentary well if we proceed in this debate, by writing into our rule book this kind of time allocation." That was also December 8, 1982.

Now, the kind of time allocation he was referring to was one bill, one piece of legislation, dealing with what surely was viewed at the time, and in retrospect, history will show, as you point back, was the most pressing, urgent, difficult problem that the whole world faced, as well as this country and this province—that of runaway inflation. That is what the member felt at that time, on the most significant piece of legislation dealing with the most significant problem of the time.

We are dealing now with a labour bill, about which those whom it is supposed to protect say: "Chuck it. We don't want it." Surely that causes constitutional problems, the government House leader comes in with a motion to cover this. I do not understand that. I just do not understand how he can equate the two issues that we are talking about, how he can equate the amount of time that was provided in 1982 for debate, before the closure motion was brought in, and I think, if the government House leader checks, he will find it was more than one hour on second reading.

**Hon. Mr. Conway:** My patience is far greater than Dr. Stephenson's and you know it.

**Mr. Harris:** I think he will find—no, no, this is wage and price controls we are on. We will get to the other one.

**Hon. Mr. Conway:** I repeat, my patience is greater than Bette's and you know it.

**Mr. Harris:** An hour in second reading, nothing in committee of the whole House. It is hard to believe.

**Hon. Mr. Conway:** You quote me with such vigour.

**Mr. Harris:** Let's move on, since the government House leader interjected again, a comment I know I am supposed to ignore but which does remind me of February 15, 1983, on a bill by a former colleague, a great friend, great parliamentarian and somebody who will surely go down in history as one who had her constituents and indeed the people of this province at heart first, specifically with responsibility for the educational community—that was Bette Stephenson—when she brought in the bill that I referred to, Bill 127. This was to clarify some jurisdictional difficulties with the two tiers of school boards in Metropolitan Toronto, something which she did very well, which the boards accepted and is working very well, as I already mentioned. The government has been there for three and a half years and it has not seen that there is any need to change it.

The present government House leader said at that time, February 15, 1983, "I reiterate, we have been able to do the business of this Legislative Assembly for a long time, through wartime, through great depression and much acrimony, without the time allocation procedure." Through wartime, through depression, the business of this chamber was able to proceed without time allocation. Yet, this very same government House leader, after only one hour of second-reading debate and after no time permitted in committee of the whole House, has not been able to work out some compromise not to have to bring in time allocation on Bill 114.

He said as well on that day, "I cannot believe we are seized in the winter of 1982-83 with some parliamentary crisis that forces us into a new avenue, down a slippery slope of time allocation, without which we have been able to function for the previous 115 years." That is the government House leader. He cannot believe "that we are seized in the winter of 1982-83 with some parliamentary crisis."

I do not want to put words into the government House leader's mouth, because, as members can see, he is very capable of doing that himself, but he seems to imply that if the bill was of such momentous need and desire, that this piece of

legislation was addressing a crisis or there was a parliamentary crisis, then time allocation might be acceptable to him. He implies that. Now, by bringing in this motion, I assume he is implying that there is a great crisis in this land; that the whole province, especially the retail workers, is crying for this Bill 114.

**Hon. Mr. Conway:** Some people are shopping in Port Huron.

**Mr. Harris:** We are talking about Bill 114.

**Mr. Speaker:** I am sorry to interrupt the member. I do not know if he can conclude his remarks in the next 45 seconds or so. It is very close to six of the clock.

**Mr. Harris:** Thank you for pointing my attention to the clock. There are a number of other quotes that I would like to put on the record that will help put this motion before us in some context, so I will ask perhaps if we can adjourn the debate today and I will carry on when it is next called.

On motion by Mr. Harris, the debate was adjourned.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** I would like, if I might, to make a brief business statement. As members will know, we had, by previous order of the House, agreed that tomorrow we would complete the estimates of the Office of the Premier and the Cabinet Office. As members also know, a former leader of the Liberal Party, Farquhar Oliver, has died and his funeral will be tomorrow afternoon. The Premier (Mr. Peterson) will not be with us; he will be a pallbearer at that funeral. By agreement, we will not proceed with the Premier's estimates for that obvious reason, but I have given my colleague House leaders a commitment that those estimates will be rescheduled at the earliest opportunity and, in that event, we will proceed with the business—

**Mr. Wildman:** If you want to go on with other business we are quite willing.

**Hon. Mr. Conway:** I quite appreciate that, my friend the member for Algoma (Mr. Wildman), and therefore we will continue tomorrow with the business of, and flowing from, government notice of motion 20 and the member for Nipissing (Mr. Harris) can continue to favour us with what is quite a good speech.

The House adjourned at 6 p.m.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breagh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reyecraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in  
 each issue. Lists of the members of the executive  
 council, parliamentary assistants and members  
 of committees, brought up to date as necessary,  
 are published in Hansard in the first and last  
 issues of each session and on the first sitting day  
 of each month.



## CONTENTS

**Monday, January 23, 1989**

### Members' statements

<b>Assistance for the disabled, Mr. Philip</b> .....	7465
<b>Retail store hours, Mrs. Cunningham</b> .....	7466
<b>Peterborough city-county disaster trust fund, Mr. Adams</b> .....	7466
<b>Employment equity, Mr. Mackenzie</b> .....	7466
<b>York region land development, Mr. Cousens</b> .....	7467
<b>Waste management, Mr. Tatham</b> .....	7467
<b>Homes for the aged, Ms. Bryden</b> .....	7467
<b>Crash of air ambulance, Mr. McLean</b> .....	7467

### Statements by the ministry

<b>Ontario Hydro, Hon. Mr. Wong</b> .....	7470
<b>Law Society of Upper Canada, Hon. Mr. Scott</b> .....	7471

### Responses

<b>Ontario Hydro, Mrs. Grier, Mr. Brandt, Mrs. Marland</b> .....	7472
<b>Law Society of Upper Canada, Mr. Sterling</b> .....	7473

### Oral questions

<b>Waste management, Mr. B. Rae, Hon. Mr. Peterson</b> .....	7473
<b>Hospital services, Mr. B. Rae, Hon. Mrs. Caplan, Mr. Brandt</b> .....	7475
<b>Court system, Mr. Brandt, Hon. Mr. Scott</b> .....	7477
<b>Intervener funding, Mr. Wildman, Hon. Mr. Bradley</b> .....	7478
<b>Use of lot levies, Mr. Harris, Hon. Mr. Peterson</b> .....	7479
<b>Recycling, Mr. Adams, Hon. Mr. Bradley</b> .....	7480
<b>Rent regulation, Mr. Breaugh, Hon. Ms. Hošek</b> .....	7481
<b>University student residences program, Mr. Jackson, Hon. Mrs. McLeod</b> .....	7481
<b>Massey workers' benefits, Mr. Neumann, Hon. Mr. Elston</b> .....	7482
<b>Sale of cigarettes to minors, Mr. Allen, Hon. Mr. Wrye</b> .....	7482
<b>District of Parry Sound, Mr. Eves, Hon. Mr. Ward</b> .....	7483

### Petitions

<b>Education funding, Mr. McLean, tabled</b> .....	7484
<b>Teachers' superannuation, Mr. McLean, tabled</b> .....	7484
<b>York region land development, Mr. Cousens, tabled</b> .....	7485
<b>Teachers' superannuation, Mr. Cousens, tabled</b> .....	7485
<b>Tax increases, Mr. Cousens, tabled</b> .....	7485
<b>Teachers' superannuation, Ms. Collins, tabled</b> .....	7485
<b>Animals for research, Mr. D. S. Cooke, tabled</b> .....	7485
<b>Home care, Mr. Jackson, tabled</b> .....	7485

### First readings

<b>Law Society Amendment Act, Bill 203, Hon. Mr. Scott, agreed to</b> .....	7485
<b>Power Corporation Amendment Act, Bill 204, Hon. Mr. Wong, agreed to</b> .....	7486

---

<b>Ukrainian Evangelical Baptist Association of Eastern Canada, Bill Pr83, Mr. Kozyra,</b>	
agreed to .....	7486
<b>County of Lanark Act, Bill Pr78, Mr. Wiseman, agreed to .....</b>	<b>7486</b>
<b>Government motion</b>	
<b>Time allocation, resolution 20, Hon. Mr. Conway, Mr. D. S. Cooke, Mr. Harris, adjourned</b>	<b>7486</b>
<b>Other business</b>	
<b>Hospital services, Mr. B. Rae .....</b>	<b>7463</b>
<b>Time allocation, Mr. Speaker, Mr. D. S. Cooke, Speaker's ruling sustained. ....</b>	<b>7463</b>
<b>Farquhar R. Oliver, Hon. R. F. Nixon, Mr. B. Rae, Mr. Brandt .....</b>	<b>7467</b>
<b>Business of the House, Hon. Mr. Conway .....</b>	<b>7502</b>
<b>Adjournment .....</b>	<b>7502</b>
<b>Alphabetical list of members. ....</b>	<b>7503</b>











No. 134

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
Tuesday, January 24, 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

---

Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, January 24, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### OPTOMETRISTS' FEES

**Mr. Farnan:** Ontario optometrists broke off negotiations with the government when they were denied fee parity with ophthalmologists for vision diagnosis. Professor Wesley Rayner, dean of law, University of Western Ontario, in his fact-finder report had recommended that optometrists receive the same fee as is paid to ophthalmologists for the same diagnostic services, pointing out that granting the same fee would be simple fairness.

The government has since rejected Professor Rayner's recommendation and advised the optometrists that they should return to the bargaining table and begin the negotiations for 1987-88 again. The optometrists were in negotiations with Professor Rayner as chairman from April to September, but the government refused to budge from its opening offer of a decrease of 4.3 per cent. Ophthalmologists received an increase of 6.35 per cent for the same time period for providing virtually the same diagnostic services.

Despite a protest rally at Queen's Park two weeks ago, when more than 400 of the province's 800 optometrists were on hand, the government stubbornly refuses to negotiate in good faith. The government's position is untenable. Simple fairness demands that the government reverse its position and make a reasonable offer to the optometrists.

### INTER-CITY GAS CORP.

**Mr. McLean:** My statement is directed to the Minister of Energy (Mr. Wong). I asked him about his role in the Inter-City Gas Corp. \$50 to \$70 retroactive rate increase to consumers in the riding of Simcoe East. He indicated that the Ontario Energy Board, which approved this exorbitant increase on top of the regular December 1988 bill, is an independent authority. He passed the buck by saying that the board, not himself, is responsible for ensuring that the rates are just and reasonable for consumers of that energy.

His answer is unacceptable. He is abdicating his responsibilities as Minister of Energy. As far as I am concerned, his job is to review energy matters on a continuing basis and to co-ordinate energy-related activities of his government. That should include approving or disallowing the unethical \$50 to \$70 rate increase that hits senior citizens and those on fixed incomes the hardest.

He should have said no to the rate increase, just as many seniors in Simcoe East are saying no to paying this additional amount that turned up on their December bills. He has abdicated his responsibilities as Minister of Energy and therefore he should immediately abdicate his position as Minister of Energy. Shame on him.

### CITY OF MISSISSAUGA

**Mr. Mahoney:** I would like to take this opportunity to inform my colleagues in the House of a recent report released by the city of Mississauga entitled the Mississauga Economic Development Strategy.

In light of the fact that free trade is a reality, Mississauga council is taking the initial step to make certain that its city will be able to compete in the global economy. Mississauga has not only a fast-growing population but also a fast-growing economic base. To ensure that Mississauga continues on its road of high-quality growth, the report recommends three goals.

Keeping business in Mississauga is the first goal, which focuses on our existing businesses. We at the Ministry of Industry, Trade and Technology feel it is very important to act as an advocate for the business community, and I feel that this advocacy will also prove very successful for the municipal government.

The second goal of attracting quality growth is an issue that fits well with the Premier's Council. It is through the small and medium-sized companies, which are the future development companies in this province, that we will be able to guarantee that quality growth will take place. We must help these companies to create wealth and, in turn, they will create economic benefits and employment for our city.

The third goal of city-building focuses on promoting the city centre, expanding a solid relationship between the business sector and the

municipality and offering support to promote facilities that will heighten the quality of life in Mississauga.

I would like to congratulate the council of our city for such forward thinking.

#### ROBERT J. WATSON

**Mrs. Marland:** In a city the size of Mississauga, with a population of 400,000, there are many extraordinary people who rise to the top in terms of community service, and it is to one of those individuals that today I send, with deep appreciation, my sincere congratulations.

Robert J. Watson, QC, has just completed the full term of six years on the executive of the Mississauga Board of Trade, serving as president during that time. Bob has been a powerful force in the planning, growth and development of the Mississauga Board of Trade, and I am particularly proud of his accomplishments.

Bob Watson is a superb and caring human being who has made a tremendous commitment to our city and the people who live there. His present work of hundreds of hours as a volunteer member of the Olympic Council of Peel and the board of the Sports Council of Mississauga is a further indication of this man's service to the community in which he has his law practice as a senior partner of Watson, Ublansky and Meehan. He is also counsel to the law firm of Fasken and Calvin.

Bob Watson exemplifies for all of us the true meaning of a volunteer and a friend in the community. He has made a unique contribution and in so doing gives all of us a great deal for which to be thankful to him. He is one wonderful person.

#### PRODUCT CERTIFICATION

**Mr. Neumann:** Now that the Canada-US free trade agreement has been enacted, some of the problems which were foreseen, and indeed some others, have emerged.

I have been made aware of a problem which may become common for small businesses that supply components for Canadian companies which export to the United States. The Canadian original equipment manufacturers are now beginning to require that all component parts be certified to American standards.

A local businessman has informed me that it could cost him up to \$15,000 to go through the process of obtaining the necessary "U stamp." Even if Canadian and American standards are identical, companies must pay for American inspectors to come to their plants, look at their

product and give it the American stamp of approval. This will be required for those products destined for the Canadian market as well.

This same individual, who started his business within the past year, says that it may have been cheaper for him to locate in Buffalo and supply Canadian manufacturers from that location.

I ask the Prime Minister of Canada: Where is the adjustment assistance to help this company and others prepare for the wonders of free trade?

#### SCHOOL OPENING AND CLOSING EXERCISES

**Mr. Cousens:** I have a letter I received from a grade 2 child, who writes:

"Dear Guvearmint."—that's the spelling, but this is a small child.

"It is not fair that you can say the Lord's Prayer and we can't. So please do something about it! If you do you would make us very happy. Please tell us why the government can say it and kids can't? Thank you."

#### 1340

I have another letter:

"Dear Guvearmint:

"I think it is not fair that you get to say the Lord's Prayer and we don't get to. Can we please say the Lord's Prayer again?"

We are changing some of the fundamental values of the system—

Interjections.

**Mr. Cousens:** Well, we are talking about schools' interpretations of what is going on and we are talking about the freedoms people have enjoyed in this province and we are talking about a government which has not listened to what some of the people want to try to do. I am insulted by the remarks of the minister for the disabled, because he should have respect for the views of other people.

All I am saying is that young people in the school system are asking that they be listened to. Maybe this government, spelled incorrectly, will start to listen to what the people of Ontario really want to do.

#### HOSPITAL SERVICES

**Mr. McLean:** My statement is directed to the Minister of Health (Mrs. Caplan) concerning her government's focus on saving money rather than ensuring that patients receive the treatment they have come to expect from what was once a world-class system of health care services in Ontario.



I recently told the minister about Lloyd Crawford of Oro Station, who has faced a series of heart bypass surgery delays over six months. The Crawford family has begun circulating a petition calling on the minister to accept her responsibility of making immediate improvements to our health care system.

The president of the Ontario Medical Association warned that more patients requiring heart surgery are going to die because her government is more concerned with saving money than providing proper care. Unless she begins accepting her responsibility as Health minister and does what needs to be done, more people are going to die needlessly. She should show some leadership and accept her responsibilities now.

### HOSPITAL FUNDING

**Mr. Callahan:** In light of the comments previously made, I would like to draw to the attention of the House and also to my riding that although the 5.4 per cent increase in terms of municipal funding has been kept at this stage from last year, emphasis has been placed on the educational system and also on hospitals. I think an 8.1 per cent increase for hospitals is a significant step by this government in terms of looking after what is an important issue for the province and also for my riding and other members' ridings.

### STATEMENTS BY THE MINISTRY

#### OCCUPATIONAL HEALTH AND SAFETY

#### SANTÉ ET SÉCURITÉ AU TRAVAIL

**Hon. Mr. Sorbara:** Later today I will be introducing for first reading a bill to reform the Ontario system for preventing workplace illness and injury and protecting worker health and safety. The bill flows from a vision that the productivity and effectiveness of Ontario enterprise are nourished by the value we place in fair and equitable workplaces; workplaces where labour-management relations are based on trust and mutual understanding, where health and safety are protected and in which the exploitation of women and minorities is not tolerated.

Ce projet de loi résulte de notre conviction que la productivité et l'efficacité des entreprises ontariennes sont favorisées par la valeur que l'on attribue à des lieux de travail justes et équitables; des lieux de travail où les relations patronales et syndicales sont basées sur la confiance et la compréhension mutuelles; où l'on protège la santé et la sécurité; et dans lesquels l'exploitation des femmes et des minorités n'est pas tolérée. Ce

projet de loi accordera aux travailleurs et employeurs de plus grandes responsabilités et une plus grande autorité pour contrôler les risques de blessures et de maladies au travail.

This bill is rooted in a perspective that success in the workplace can be achieved only if labour and management have, and indeed seize, the opportunity and responsibility to work collaboratively and constructively. It is against this backdrop that this bill will give workers and employers greater responsibility and authority for controlling the risk of workplace injury and illness. It will provide labour and management with new opportunities to work jointly to fulfil that responsibility effectively, and it will help ensure that they have the capacity to do so.

It will provide uniform training programs to equip them with the knowledge and the skills they need to do an effective, efficient and responsible job and it will ensure that they have full access to information about existing and potential hazards in the workplace.

For that reason, this bill will extend the requirement to establish workplace health and safety committees and appoint worker health and safety representatives to tens of thousands of additional enterprises across the province, including construction sites.

Furthermore, it will create a new Workplace Health and Safety Agency, chaired jointly by labour and management, to develop and deliver health and safety education for men and women in the workplace, to engage in research and consultative services and to provide advice to the Minister of Labour on future directions.

De plus, il établira un nouvel office pour la santé et la sécurité au travail, dirigé conjointement par les travailleurs et les employeurs, dont le but sera de mettre au point et d'assurer la formation concernant la santé et la sécurité sur les lieux de travail; d'offrir des services de recherche et de consultation; et enfin, de conseiller le ministre du Travail sur les orientations à prendre.

Honourable members will know that at present the responsibility for education and training is shared by safety and accident prevention associations, by the Occupational Health and Safety Education Authority and the Workers' Health and Safety Centre of the Ontario Federation of Labour.

These organizations have provided a wide range of health and safety training programs for the specific sectors they serve. This bill will utilize their expertise by bringing them all, except the Farm Safety Association Inc., within the framework of the new agency so they can

contribute to the development of a uniform standard of education and training right across the province.

In addition to assuming responsibility for the employer safety and accident prevention associations and for two occupational health and safety clinics, the agency will assume responsibility for the funding of the province's five health and safety resource centres and, of course, for research.

As I have suggested, the agency will exist in the first instance for the central purpose of supporting the effort in the workplace to prevent worker illness and injury through new approaches to education and training and through certification and accreditation.

As I have also indicated, the bill will put the responsibility and authority for controlling workplace risks in the hands of thousands more people on the shop floors, in offices and on construction projects.

For the first time in Ontario, construction projects with a workforce of 20 or more persons where the project is run for three months or more will require joint health and safety committees and worker trade subcommittees. In addition, some 30,000 offices and retail outlets currently exempt under the act will have to establish joint health and safety committees.

Pour la première fois en Ontario, les chantiers de construction employant au moins 20 personnes et devant durer trois mois ou plus devront avoir des comités mixtes de santé et de sécurité. Les amendements prévoient également la création de sous-comités, par corps de métier, pour les chantiers de construction sur lesquels il existe des comités mixtes de santé et de sécurité. De plus, quelque 30 000 bureaux et magasins, qui sont actuellement exempts de la loi, devront créer des comités mixtes de santé et de sécurité.

All committees will be co-chaired by one representative from labour and one representative from management. Some 50,000 businesses which employ more than five workers but fewer than 20 will be required to appoint worker health and safety representatives chosen by their employees.

If joint health and safety committees are to be truly effective in rectifying health and safety problems in the workplace, they will require special expertise. Under this bill, every joint committee will be required to have at least one labour and one management member specially trained and certified under a program to be established by the new workplace health and safety agency.

Certified members will have the authority to stop work if they find a provision of the act or regulation is being contravened, the contravention poses a danger or a hazard to the worker and the danger or hazard is such that any delay in controlling it will cause a serious risk to the worker.

### 1350

As honourable members know, there have been growing concerns that the present worker right to refuse dangerous work fails to protect workers adequately because it does not cover work activity that is likely to endanger, such as lifting heavy objects. This bill expands the right to refuse to include work activity. It also ensures that if a worker refuses to do unsafe work, that worker will be compensated for the time it takes the workplace parties themselves to investigate the refusal.

The bill places other responsibilities on employers. For instance, it places a duty of care on officers and directors of corporations for ensuring the health and safety of workers. It requires employers to establish health and safety policies and training programs that meet new standards. The bill also raises the maximum fines for corporations that do not comply with the law to \$500,000 from the current maximum of \$25,000.

Since 1985, the Ministry of Labour has been actively and aggressively involved in the reform process that directly addresses the government's commitment to improving the quality of the workplace environment. The measures I am putting before the House today will place the responsibility and capacity for resolving health and safety issues more explicitly and fully in the hands of labour and management.

Fundamentally, they will result in fewer workplace accidents and illnesses, in a lessening of the pain and suffering that imposes itself on too many of our homes and families. Ultimately, they will also mean more effective and productive enterprises in Ontario.

En résumé, ces mesures entraîneront une diminution des accidents et des maladies au travail, une diminution des souffrances qui affligent de trop nombreux foyers et familles. Enfin, ces mesures augmenteront l'efficacité et la productivité des entreprises ontariennes.

I urge their expeditious passage.

### MUNICIPAL STREET LIGHTING PILOT PROGRAM

**Hon. Mr. Wong:** Today, I am pleased to announce an initiative that reinforces this gov-



ernment's commitment to ensure that Ontario Hydro is responsive to government policies on important goals such as energy efficiency.

The municipal street lighting pilot program is designed to help make this province more energy efficient. The program is jointly sponsored by the Ministry of Energy and Ontario Hydro and will encourage and assist municipalities and townships to convert street lighting equipment to more energy-efficient lighting.

Together, the Ministry of Energy and Ontario Hydro will make \$1.5 million available for this one-year pilot project. Selected municipalities and townships in northeastern and eastern Ontario will be eligible for assistance to convert their street lights. As many as 25,000 street lights could be converted to save up to four megawatts of electricity.

The municipal street lighting pilot project will be evaluated and considered for province-wide expansion.

If all Ontario municipalities converted to more energy-efficient technologies, they could save up to 75 per cent of the over \$35 million per year now spent on electricity for street lights. This would produce province-wide savings of 72 megawatts, enough electricity to provide the needs of a community the size of Niagara Falls.

This program is the latest, but not the last, example of our commitment to energy efficiency. Yesterday, I introduced a major set of amendments to the Power Corporation Act to ensure Ontario Hydro will be responsive to government policies and public priorities. An important part of these amendments and the memorandum of understanding deal with Hydro's commitments to energy efficiency.

Honourable members will recall that in the November 3, 1987, speech from the throne, the government committed itself to encourage greater municipal involvement in energy conservation. The Power Corporation Act amendments, the memorandum of understanding and this program meet that commitment.

There are good reasons for decreasing demand and using energy more effectively through conservation and energy efficiency improvements.

Energy efficiency can improve our security of supply and ensure that energy supplies are adequate to meet the needs of our people. Energy efficiency improvements can help us to maintain one of the highest standards of living in the world. Energy efficiency also helps us to lessen the burden of energy use on the environment. Every effort to safeguard our environment will

rank high on our list of government priorities. The public demands no less.

This program will make an important contribution to ensuring Ontario makes more efficient and responsible use of its energy resources.

## RESPONSES

### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Mackenzie:** In response to the comments of the Minister of Labour (Mr. Sorbara), almost every working day someone is killed on the job in Ontario and almost every minute an employee is injured in an Ontario workplace. Back problems have become epidemic. Repetitive strain and injuries are rampant.

By the end of my statement, eight more workers will become victims of unsafe work environments in Ontario, the hidden time bomb in workplace health and safety for the thousands of workers suffering from occupational illnesses. It has to stop. Working people should not be put at risk simply to make a living for themselves and their families. The amendments to the Occupational Health and Safety Act brought forward today are a step towards making Ontario workplaces safer and healthier.

The situation has got worse under this majority government elected in September 1987. According to Workers' Compensation Board figures, 469,681 workers made claims for compensation in 1987, up 6.24 per cent from the previous year. Fatalities went from 220 in 1986 to 238 in 1987, an increase of eight per cent. The following tables from the Workers' Compensation Act show that injuries and claims have gone from 344,758 four years ago to 469,681 in 1987.

New Democrats like Stephen Lewis, Elie Martel and my leader, the member for York South (Mr. B. Rae), have fought to improve health and safety conditions in Ontario's workplaces. For years, we waged an uphill battle against the Conservative government. Finally, in 1979, the Occupational Health and Safety Act was passed. For the first time, Ontario workers had the legal right to refuse unsafe work. They won the right to have joint health and safety committees in their workplaces.

After the 1985 provincial election, we seized the opportunity, ended 43 years of one-party rule and supported the Liberals on the basis of an agenda of reform. The accord made occupational health and safety one of the key priorities. New Democrats were able to get legislation passed in June 1987 that gives workers the right to know about workplace hazards. Bill 79 amended the Occupational Health and Safety Act to require

employers to provide hazardous materials inventories, labels and data sheets. Employers must also provide training and instruction related to these substances in the workplace.

In 1986, Elie Martel, the 19-year NDP member for Sudbury East, introduced Bill 149 which would shift the balance of power concerning health and safety from employers to the workers. That legislation passed second reading in this House, a highly unusual feat for an opposition proposal in major legislation. It was gaining broad support when the government called a September 1987 election.

Mr. Martel and the member for York South have denounced the lack of training provided workers and the role of the safety associations as mouthpieces of business. Most importantly, workers need more power in the workplace.

I want to make it clear that today's amendments go some considerable distance in giving workers more chance to work in safe and healthy workplaces. We look forward to debate on this legislation.

In the next 24 hours, another worker will likely be killed on the job and 1,290 workers will suffer injuries from minor cuts to life-disabling trauma. Cancer, which has touched so many of us, will claim the lives of many who develop the disease simply because their workplace is unhealthy. We have to do in this House whatever it takes to end the legacy of pain and sadness that rotten working conditions bequeath to us.

New Democrats, working with people from labour, business and the government, will do whatever is necessary to make that difference for working people in Ontario.

**1400**

#### MUNICIPAL STREET LIGHTING PILOT PROGRAM

**Mr. Charlton:** I would like to take a few moments to respond to the statement by the Minister of Energy (Mr. Wong). The minister's statement this afternoon is another primary example of a government with wonderful ideas that is too timid to pursue them aggressively.

The statement this afternoon clearly sets out in factual terms what the potential is in Ontario around a municipal lighting program, and yet the minister is still tinkering around with a one-year, mini-pilot project when he already knows what he can accomplish in a province-wide program. He has given us the figures right here today.

It is another example that follows the one he gave us yesterday when he introduced his amendments to the Power Corporation Act,

amendments that are all headed in the right direction but do not—

**Mr. Speaker:** The member's time has now expired. Thank you.

**Mr. Runciman:** I would also like to respond to the Minister of Energy's rather modest statement this afternoon. The minister has indicated a commitment to conservation and I have no doubt he personally has such a commitment, but he is unable or unwilling to deal effectively with the power behind the throne, Ontario Hydro. We saw that very clearly in the announcement made yesterday. Ontario Hydro's commitment to energy conservation is in question at best—

**Hon. Mr. Conway:** Energy conservation?

**Mr. Runciman:** Energy conservation, I said. The House leader should clear out his ears for a change.

We hear a great deal of rhetoric, but no real commitment on the part of this government or on the part of Ontario Hydro to meaningful energy conservation.

I went through the select committee on energy hearings dealing with the demand/supply planning strategy. We took a look at municipalities, for example, at the fact they are still out there, many of them, very vigorously attempting to increase market share.

We see Ontario Hydro advertising on television continuously, again pushing increased energy consumption. Why do we not see initiatives taken in that direction? There are continual efforts to encourage increased consumption of electricity across this province; no real commitment. We saw it during the Christmas break when Ontario Hydro was talking about possible brownouts. I have never, in my own area, seen such a proliferation of Christmas lighting on residential homes. There was no real commitment on the part of the municipal utilities or Ontario Hydro to meet those concerns, if indeed they were real.

The leader of the Liberal Party some time ago described Ontario Hydro as an out-of-control monster. We obviously are not going to see this government take control of that monster. The minister is in their pocket. Hydro has its own agenda and this minister is clearly following it.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Harris:** We look forward to seeing what will evolve from this new piece of legislation coming today from the Minister of Labour (Mr. Sorbara). We question how serious he is about it. The first draft of this bill was introduced on the



last day of the last session. Now we are presumably close to the tail end of this session, with the exception of the minister's labour bill or nonbill on Sunday shopping.

The bill comes back in again. I understand it has been revised, but I say that this one will probably die again and then we will get the next bill when the next session comes in. People can see how serious we are. We keep introducing these bills. When they come in on the last day or in the last week or the last couple of weeks, we realize how serious the minister is.

Second, with the amount of time that has passed, the one aspect, the key part, of this particular piece of legislation, as I understand it, is this: In his statement, the minister emphasized that the effectiveness of both joint health and safety committees and worker representatives will depend on their training and the information available to them. So it is indeed this committee itself, these 14—seven from labour and seven from management—who are going to be the key. The minister says that is the key.

He also says, "It will provide uniform training programs to equip them with the knowledge and skills they need to do an effective, efficient and responsible job." But with all this study, and in questioning in the lockup today, nobody could answer how much training, what kind of training and how long the training is going to be. Some of the answers were, "It depends on the industry." The minister's statement says "uniform training programs." The key to making it work is not in this statement. It is not in the bill at this particular stage.

It appears to us the government still does not know how it is going to work. Perhaps when they reintroduce it a third time, they will have a little better handle on this.

#### MUNICIPAL STREET LIGHTING PILOT PROGRAM

**Mr. Jackson:** The Minister of Energy (Mr. Wong) has risen in his place to comment about conservation of one of the two resources he is responsible for, one being electricity; the other is the public purse, which has been entrusted to him as a member of the cabinet.

I would like to point out that a constituent, a resident of the city of Burlington, received two large packages one day apart with the same material, by Priority Post. Yet the thermometers the constituent requested were still absent from the packages the minister sent.

Perhaps he should look at getting his own act together in terms of how he is administering his portfolio.

## ORAL QUESTIONS

### INVESTIGATIONS OF POLICE ACTIVITIES

**Mr. B. Rae:** I have a question for the Solicitor General. I wonder if the Solicitor General could explain why the Ontario Provincial Police is not covered by the government's legislation on Bill 4, An Act to amend the Metropolitan Toronto Police Force Complaints Act.

**Hon. Mrs. Smith:** I am very happy to point out to the member, as I have done before in this House, that we are working on amendments to the Police Act or a new police act that will look at the responsibility of the OPP in this direction. I am sure the Leader of the Opposition will be very satisfied and happy to support this when we come forward with it in the next session.

**Mr. B. Rae:** The minister is quite wrong if she thinks we are going to be satisfied. It is my understanding, according to the Ottawa Citizen of October 3, 1988, that it is her plan to split the Ontario Police Commission and give to the police commission itself the responsibility for reviewing complaints against police officers who are employees of the police commission.

I wonder if the Solicitor General can tell me why that solution is good enough for the OPP, but in fact does not appear to be good enough for other municipalities and other police commissions in other municipalities. It is an approach that was explicitly rejected by her party when it was in opposition, in discussing the Metro Toronto complaints bill.

Can she explain why she continues to refuse to allow a totally independent civilian review of the OPP, just as it is covered in Metropolitan Toronto?

**Hon. Mrs. Smith:** I am very happy for this occasion given to me to explain this. The Leader of the Opposition has it completely backwards, which is most unfortunate for him and for those who are listening to his opinions.

The OPC has indeed already been split in its responsibilities. We have, on the one hand, the quasi-judicial arm of it, which is the OPC, and which will deal with complaints. On the other hand, we have the policing element that is directly under the ministry and is where the OPP work. They do not work for the OPC and would not be reviewed by those for whom they work. The very point the Leader of the Opposition is making is why we have split this into two functions, the one being the policing function and the other being the quasi-judicial function of the OPC.

**Mr. B. Rae:** The minister is talking about something that has absolutely no legislative authority. When she says I have it backwards, I think she should at least have the courtesy to say that there is in fact no legislative authority for this division.

The legislative authority of the Ontario Police Commission is as now set out in Ontario's Police Act. The Solicitor General knows that. I am asking her if she can tell us why it is that the Ontario Provincial Police is being treated differently from any other municipal police force across this province. Why is there not one complaints process which covers, in principle, police officers who work as members of the OPP, police officers who work for various municipal police forces as well as for those who now work in Metropolitan Toronto? Why is the same law not in place, so civilians have the same rights of complaint, the same rights of redress, the same rights of investigation living outside Metropolitan Toronto—

1410

**Mr. Speaker:** Order. The member asked the same question four times.

**Hon. Mrs. Smith:** As the member well knows, one cannot bring in anything as complicated as a new Police Act or a basically amended Police Act without consultation. This consultation, as I have already told the member, has been going on and people are being very co-operative: the Ontario Provincial Police Association, the police chiefs, the Ontario Police Commission itself and the government. We will be bringing forth an act that very much will satisfy the complaints which have been made. A bill that deals specifically with municipal police forces by its very nature does not deal with the OPP, which is not a municipal police force.

**Mr. B. Rae:** I could ask the Attorney General (Mr. Scott) the same question to see whether we get the same answer. I am sure I would get exactly the same answer, because I know he agrees entirely with the views that have been expressed by the Solicitor General. The Attorney General is saying I am wrong, that he does not agree with the Solicitor General. I do not understand.

#### TRITIUM

**Mr. B. Rae:** I have a question for the Minister of Energy. Yesterday the Minister of Energy presented a bill to the Legislature asserting the political primacy of the government and the government's political direction with respect to Hydro, making it very clear that it is important

that the government ensure that Ontario Hydro is working within the policy framework this legislative package outlines.

I wonder if the minister can turn his mind for a moment to the very difficult and controversial question of whether Ontario Hydro should be selling radioactive tritium to the United States. Can the minister tell us what is the policy framework of the government of Ontario with respect to the sale of tritium to the United States?

**Hon. Mr. Wong:** This is a question that I think concerns all members of the Legislature, not just the members of the government. It is our view that we would not want tritium sold for purposes that would find themselves in military applications or weapons. In terms of the peaceful use of tritium, this is a matter which the cabinet will be addressing to detail fully what the precise policy decision of this government is, in a timely way.

**Mr. B. Rae:** The minister has a rather illusory view of the way the world works. He will know that there is a crisis in the tritium supply in the United States, because of problems that have been well-documented in newspaper reports and elsewhere about what has happened to a number of American nuclear plants and, indeed, nuclear weapons facilities which have been closed down because of safety problems.

I would like to ask the minister very directly: What is the position of the government of Ontario with respect to the proposed export of tritium to the United States? Is the government going to export tritium from Ontario to the United States? Yes or no.

**Hon. Mr. Wong:** In answering the Leader of the Opposition, let me say that the policy on the export of tritium will be decided vis-à-vis Ontario's position with respect to the whole world, not just the United States.

As many members in this House know, there are people in western Europe, in Japan, in the USSR and in the United States, for example, who would like to utilize our expertise and our knowledge in the handling of these materials, so the policy this government will establish will be based on our view of whether export should be done anywhere in the world.

**Mr. B. Rae:** I am sure that Colonel Gadhafi and a number of other world leaders will be delighted to hear that in fact the government is contemplating the sale of tritium not only to the United States but indeed all around the world, but it does not give any comfort to those of us who believe that once the substance is exported, it is



impossible for the government of Ontario to dictate that substance's use.

We are in possession of a substance that is extremely important for the triggering mechanisms on nuclear weapons, which have to be replaced and replenished about every 10 years. The minister should be aware of that. He should be aware of enormous pressure that is now being brought to bear on us and on Ontario Hydro, as a potential supplier of that tritium, not only to the United States, as the minister now states.

I think we are entitled to an answer. What is his position with regard to tritium? Why does he not stand up in the House today and say to Ontario Hydro that the potential use of tritium is simply too dangerous for it to be exported from Ontario and that is why it is not going to be exported from Ontario? What is wrong with just standing up and saying that?

**Hon. Mr. Wong:** Let me stand up and say to the honourable Leader of the Opposition that we firmly support the Atomic Energy Control Board and the other federal departments and agencies of the federal government which have the responsibility for that export, but let me add further what I said in answer to the first question, that this government is also concerned. Therefore, when this cabinet and this government look at this problem, we will not just leave that to the federal arena, we will look at the implications for the people of this province.

#### HOSPITAL SERVICES

**Mr. Brandt:** My question is for the Minister of Health and it relates to the situation that I discussed with the minister yesterday, the case of Mrs. Maria Gaccioli and the tragic death of Mrs. Gaccioli, which occurred on January 13. I took the opportunity to advise the minister's office that I was going to raise this question again with her today, as I did yesterday, to see if in fact the minister has been able to ascertain any of the details surrounding the events that caused Mrs. Gaccioli to be released from the hospital on January 13 and why surgery was not performed on that particular lady when she was fully expecting that surgery would be performed before she left Victoria Hospital. Could the minister give some information to the House on that particular case?

**Hon. Mrs. Caplan:** Following yesterday's question from the leader of the third party, the ministry contacted the hospital for information. The cardiologist is currently out of the country, so I asked ministry officials to contact the family and to get its permission to release the patient's

file. In fact, the ministry has just received that permission. I have asked them to develop a chronology of events and I will report to this House as soon as that information has been assembled.

**Mr. Brandt:** As the minister is well aware, the situation regarding Mrs. Gaccioli does not just involve one particular case but a number of cases that we have brought to the attention of the minister, literally right across the entire province.

I would like to bring to the attention of the minister today two additional cases of individuals who are, thankfully, still alive, one of whom is Betty Ann Tyrie, age 52, resident of Sarnia.

She has in fact been diagnosed as having a hole in her heart. In my view, as a nonpractitioner in the field of health and as a layperson, it would indicate to me that is a fairly serious condition. Betty Ann Tyrie does have an appointment for March 1989 at University Hospital. She has an appointment for June at Victoria Hospital.

Jack McGuigan, age 62, had his third heart attack in February 1988. It took nine months, from February to November, for him to receive an angiogram, at which point he was diagnosed as requiring a quadruple bypass.

**Mr. Speaker:** The question?

**Mr. Brandt:** This man is undergoing continuous chest pains. The earliest date for his operation is March.

**Mr. Speaker:** The question?

1420

**Mr. Brandt:** My question is: Would the minister indicate whether the problem is a shortage of nurses, a shortage of beds or a shortage of surgical teams? What is causing this life-threatening kind of problem that is occurring with respect to the individuals I have just—

**Mr. Speaker:** Minister.

**Hon. Mrs. Caplan:** For the information of the leader of the third party, there are some 40 surgeons in Ontario in nine hospitals in six centres providing cardiac surgery. I can tell him that I rely on advice from physicians. I do not, as he did in the House today, give my medical judgement or opinion because I am not a doctor.

We rely on physicians to determine who should have surgery and in what order, based on their judgement. I can tell the member that the advice I have received from the surgeons and the cardiologists in this province suggests that the situation is in hand, that the funded capacity, which next year it will be almost 5,000 procedures available in this province—last year

there were more than 4,000—is a significant increase. It is coming on stream, and they believe the situation is in hand.

**Mr. Brandt:** The minister may think the situation is in hand. I have pointed out two more cases to her which are absolutely critical. These people do not have the time to wait. When she indicates that the physician is in a position to prioritize these particular procedures, we are playing with lives. We are playing with the lives of people who cannot get the surgery they require.

The minister knows full well that some of them are taking the option of going to clinics in Cleveland. They are going to clinics in Detroit or elsewhere, and in some instances spending their life's savings in order to undergo a procedure that is not available to them in Ontario.

Is this satisfactory to the minister, or does she intend to find some method by which she can reduce the six-month waiting period—and longer in Toronto? It is now three months in Sudbury. It is running 27 weeks in London—

**Mr. Speaker:** Thank you. The question has been asked.

**Hon. Mrs. Caplan:** I think it is important that we fairly categorize the situation and that we listen to the experts who tell us and who advise me on what the situation is in this province.

**Mr. Brandt:** These people are going to die if they don't get surgery.

**Mr. South:** We're all going to die, Andy.

**Hon. Mrs. Caplan:** Dr. Keon, a noted heart surgeon in this province said recently, "I do not think the demand does exceed our ability to do the operations."

He said, "We are turning our volume up slightly, as a matter of fact within the next few weeks, to try to reduce our waiting lists; but it is not excessively long, and we think that people are being managed in a pretty safe way."

He said: "I realize that there are waiting lists in Toronto, but also these waiting lists are not out of hand. I believe that with some relatively minor adjustments, the patients who are at risk and who need coronary surgery could be managed."

I can tell the leader of the third party that I listen to these experts like Dr. Keon. I have been assured by the leadership of cardiovascular surgery and cardiology in Toronto that the funded capacity will be on stream within a matter of weeks, and they believe the situation is being managed.

**Mr. South:** The best health care system in the world.

**Mr. Brandt:** Was.

**Mr. South:** Is.

**Mr. Brandt:** Was.

**Mr. Wildman:** Mr. Speaker, can we make sure Mr. South's comments are recorded?

**Mr. Speaker:** Order. I appreciate the assistance of the members. However, I will recognize the member of Leeds-Grenville for a new question.

## COMMUNITY SAFETY

**Mr. Runciman:** I have a question for the Minister of Health, dealing with risk management for the criminally insane. Last week, in response to a question from the member for London North (Mrs. Cunningham), the minister said that the last six recommendations of a risk management report she tabled in this House last November had been implemented right after the report was received.

Will the minister tell us how she knows they were implemented and how they are being monitored for effectiveness?

**Hon. Mrs. Caplan:** As a matter of fact, just this morning I met with the director of the psychiatric branch, who informed me that the recommendations are being implemented and monitored.

**Mr. Runciman:** I guess we have to wonder who is in charge of the store. I would hope—  
Interjections.

**Mr. Speaker:** Order. I will have to remind the members of standing order 24(b) once again.

Interjections.

**Mr. Speaker:** Order. Supplementary.

**Mr. Runciman:** I guess the members of the other two parties are only interested in public safety questions if they raise them.

**Mr. Speaker:** I recognized the member to ask a supplementary.

**Mr. Runciman:** I would hope the minister is aware of recommendation 8 of her report, a recommendation that deals with the vital importance of controlling access to and use of alcohol.

I have an internal Brockville Psychiatric Hospital document—I have sent a copy to the minister—dealing with John McBeth Finlayson, a forensic outpatient charged with aggravated sexual assault of a Brockville woman. The report indicates that hospital staff knew this man was drinking at least three days before the alleged offence.

This is a man responsible for the horrific murder of a nine-year-old Toronto boy, a man



who himself said, "Every time I go on a binge, something terrible happens," and this walking time bomb was not pulled off the street, he was not even contacted and the police were not informed.

In the face of this evidence, is the minister still prepared to stand in this House and tell us that the system is working well and that public safety should not be a concern?

**Hon. Mrs. Caplan:** I have said repeatedly in this House that protection of the public, the safety of the public, is always my number one concern.

As the member opposite knows, the process for Lieutenant Governor's warrants is mandated by the federal Criminal Code. We have received a recommendation on how, through implementing the recommendations of an outside report, we can ensure that we have the very best risk management system available. I have told him that we are in the process of implementing that report, and I am assured that we will have in place the very best possible systems available for risk management.

As he knows, I cannot comment on any individual case because of this matter being before the courts, where it will be fully aired, and I would say to him that it is important that we acknowledge that in fact we have an excellent system here in Ontario.

**Mr. Runciman:** One as committed as this minister is to everything could be considered committed to nothing. The sad reality is that the minister has been a dollar short and a day late on this issue since the brutal attack on a London girl last spring. She has not done her job.

Faced with the evidence I have presented, if her staff is not supplying her with that kind of information, is the minister now finally prepared to support an open and public review of the administration and monitoring of community privileges for the criminally insane, or is public safety going to continue to take a back seat to patients' rights?

**Hon. Mrs. Caplan:** Let me try again to explain to the member, who does not seem to want to listen, that it is the responsibility of the federal government for the warrant process. Second, the terms of reference of the warrant include such things as location. They are set out very clearly by the independent LGW Board of Review as established under the federal Criminal Code. That is the way the system works.

Interjections.

**Mr. Speaker:** Order.

**Mr. Runciman:** You are responsible for administering privileges—your administration in the hospitals. Don't try to fob it off. You're responsible and you don't know what's going on and you don't care. You don't know and you don't care; that's the bottom line.

**Mr. Speaker:** Order, the member for Leeds-Grenville.

**Mr. Jackson:** There are unsolved murder mysteries in my riding, sexually-related murder mysteries.

**Mr. Speaker:** Order. The member for Burlington South is not helping.

#### DIOXIN IN KRAFT PULP

**Mr. Hampton:** I have a question for the Minister of the Environment. The minister is aware that the European Community recently announced that it is preparing to ban the importation of all chlorine-bleached paper products as of the year 1990 because, as he knows, chlorine-bleached paper products contain detectable levels of the pollutant dioxin. In view of the considerable environmental damage caused by dioxins and in view of the European Community's decision, what action does the Ministry of the Environment intend to take to require Ontario pulp mills to convert from the chlorine bleaching process to an oxygen bleaching process?

1430

**Hon. Mr. Bradley:** The member, who is very interested in these matters, would be aware of the expert committee's report. I know he would have reviewed it along with the other material which he has, which is most appropriate. In fact, it points in that very direction.

As we develop new regulations to deal with the effluent and the processes related to the paper mills in the province, we are in fact encouraging them to do that.

What in effect will make the difference is the new levels that they must meet in terms of contaminants which are produced. I think, very clearly, that will point to the oxygen bleaching as being superior to the chlorine bleaching which is taking place at the present time.

I think what was advantageous was that the expert committee consisted of a person who was an engineer, a person who was a scientist and a person who was an economist from northern Ontario. What the report pointed out was that not only is this technically and scientifically the very best way to go at this time but also the economics would dictate that it seems to be a reasonable course of action.

As I say, as the new control orders come up and are improved and made more stringent and as the regulations are being developed at this time, I think the member will see that those regulations will point in the direction of simply having that chlorine bleaching process removed and replaced with a new process, which I think the member would agree with me is superior to an abatement action, rather a process change.

**Mr. Hampton:** I appreciate the plethora of information that always comes from the minister, and there is a plethora of information out there. There is the minister's study; there is a federal study. There is no doubt about it. But the key question here is, when is the minister going to act? I think there is an economic aspect to this too. The profits in the pulp and paper industry are at a record high at this time.

The time to make the change is now, not two or three years down the road when the profit level is low and we have companies crying poverty. When is the minister going to sit down with the pulp and paper industry in Ontario and say, "The time to convert is now"?

**Hon. Mr. Bradley:** In fact, we have had those discussions. As I say, I think what is probably superior to stipulating some specific technology—though as a nonscientist or nontechnical person, I happen to like that particular option being available. The government's role and responsibility is to set the specific levels. The company must then achieve those levels, using the kind of technology that is best suited to removing the contaminants.

What I always find interesting is that—

**Mr. Pouliot:** Mr. Speaker, he is taking a long time to answer the question.

**Hon. Mr. Bradley:** Now, there is the member for Lake Nipigon who, I remember, on one occasion—I will not say that. I remember one occasion when the member, a very good friend of mine, and it is in answer to this question—

**Mr. Speaker:** Thank you.

#### MEDIATION IN FAMILY LAW

**Mr. Jackson:** My question is to the minister responsible for women's issues. The minister will be aware that in 1987, the Attorney General (Mr. Scott) commissioned a study on mediation in family law. The report of that study was recently leaked to a member of the media and it was uncovered that within it there is a recommendation that the mediator have the power to force an abused woman into mediation if he thinks that

the woman is in a position to effectively negotiate with her abusive spouse.

Does the minister recognize that the power imbalance that exists between victims of domestic violence and their abusive spouses makes mediation inappropriate and has he made representation to that committee outlining that fact?

**Hon. Mr. Sorbara:** It is really too bad that when the member for Burlington South refers to a leaked document it is obvious from the information he provides in his question that he has not read the document. I sincerely suggest to him that before he raises the matter again in the House he have a good, thorough look at the document, if he happens to be in contact with the person within the media who has a copy of it.

If he does that, he will find out that the document is a draft consideration of the question of more effective utilization of mediation in the instances of family breakdown. The document does not make any suggestions at all about compulsory mediation but looks at ways to more effectively make mediation available to spouses who, as a result of a series of incidents within the family, determine to separate.

I encourage the member, if he wants to find a copy of the document, to have a good read of it. Perhaps in the next days and weeks he may have better questions on the subject.

**Mr. Jackson:** The invitation was to get this minister, who has responsibility for women's issues, to make presentations before these types of commissions. It is apparent that the minister has not made representation nor has the minister taken a position on this very sensitive point regarding domestic violence.

I would ask the minister if he will give his commitment in this House, as he obviously has seen the report and not made any recommendations to it, if he will give his undertaking that he will not force women who are the victims of domestic violence into mediation situations without their permission.

**Hon. Mr. Sorbara:** I will give my commitment to the member and to the House not to support any initiative that forces anyone into mediation. If mediation is going to be an effective process, it has to be a consensual process.

I urge the member to get his facts clear before he asks a question. I want to tell him that the Ontario women's directorate was a member of that committee studying issues surrounding mediation and made very effective representations on that committee. The directorate and I as minister—



**Mr. Jackson:** We have already established that you don't meet with them. I just want to know if you made a presentation to the committee.

**Hon. Mr. Sorbara:** If the member for Burlington South will just stop shouting for a moment, I will complete my answer.

I want to tell the member that all of us have to be very sensitive to the unique position in which the spouse who is the victim of domestic violence finds herself when the question of mediation arises. I encourage him, when the report is made public, to read it—that would be a good first step—and after he has read it, perhaps he will have a useful comment or two as we make mediation more effective and more available to spouses in this province.

### PAY EQUITY

**Mr. Owen:** I also have a question for the Minister of Labour. I know that every member of every party in this Legislature has a commitment to workplace equality. I know we are all committed to improving the lot of women's incomes in this province. However, a few days ago the Toronto media indicated that women now earn 62.2 cents for every dollar earned by men. It used to be 64 cents. If the figures from the Toronto media are correct, it means we not only are not keeping pace with what we were doing before but are losing ground.

I would like to ask the minister today if he has any statistics which can shed some light on whether we are progressing under the programs he has initiated.

**Hon. Mr. Sorbara:** I want to thank the member for Simcoe Centre for the question. It is a very important issue.

I tend to agree with him that when we put the politics aside, every member of this House is committed to workplace equity issues as they affect working women. I do have some problem, however, with the statistics suggested by the member for Simcoe Centre. In fact, the latest Statistics Canada reports indicate that women who were working full-time in Canadian workplaces throughout 1987 earned an average of some 65.9 per cent of the average male income. By the way, the same figure for the previous year was 65.8 per cent.

The situation in Ontario is even happier than that, that is, the direction in which we are going. Indeed, we have had some significant improvements statistically for working women in the province. Of course, the agenda is not over by any means. It is my firm belief that as Ontario

moves towards implementation of the Pay Equity Act which this Legislature passed during the last parliament, we will be making significant strides in closing that gap between what women make in this province and what men make.

**Mr. Owen:** Last night, I was attending a dinner function in the city of Barrie. One of the businessmen who was attending there indicated to me that his business was out \$70,000 to do a study to give some guidance about what could be done with establishing equal pay for work of equal value in his business. He was also saying that he questioned whether it could be done or how effective it would be in the end.

I am wondering if the minister could tell us how his program is progressing with the business community. What progress is he making? Are there any signs as to whether it is going to work or not?

1440

**Hon. Mr. Sorbara:** I think it is safe to say that some of the concern expressed, particularly by the business community on the implementation of pay equity when that act was before us in this parliament, has indeed subsided. All the evidence points to the fact that the self-managed process implementing pay equity is going to be successful as we work our way through the timetables in the legislation.

The pay equity office has conducted some 900 seminars around the province, preparing representatives of both workers and managers in understanding the features of the Pay Equity Act, leading, for most businesses, to the posting of a pay equity plan and the wage adjustments that are necessary as a result of the analysis going into the creation of the plan and its posting.

The Pay Equity Commission indeed is working with a number of public sector organizations to ensure that the timetable for the public sector, which begins on January 1, 1990, is implemented in accordance with the act. I am not only very hopeful but very encouraged by everything I have seen around the province.

### HAZARDOUS SPILLS

**Mrs. Grier:** Yesterday, the Minister of the Environment made a strong speech telling the chemical industry that it had to stop putting its toxic chemicals into the St. Clair River. I am sure all members will welcome that speech. However, unfortunately it sometimes appears that the commitment of the ministry is only as deep as the minister.

On the morning of January 10, Dow Chemical spilled six tons of propylene oxide into the St.

Clair River. Propylene oxide is mutagenic and carcinogenic. The town of Wallaceburg, which takes its drinking water from the St. Clair River, was not notified of that spill for two days. Can the minister explain that fact and can he also tell us what action he has taken to investigate the behaviour of his officials in the Sarnia office and the fact that the town of Wallaceburg was not notified?

**Hon. Mr. Bradley:** Whenever there is an incident of this kind the investigations and enforcement branch of the Ministry of the Environment has a particular interest in it. What happens is that the investigations and enforcement branch interviews everybody who could potentially be involved. It also relies on the ability to detect precisely what was spilled, when it was spilled, what action was taken by the company to avoid this or what action was taken in terms of notification. There will continue to be an extensive investigation of all spills that warrant it, because that is the mandate the investigations and enforcement branch has.

In terms of notification that takes place to any of the municipalities, whether it be on our side of the St. Clair River or the other side of the St. Clair River, we are always reviewing any incident that happens where there are people who would allege that the action that was taken on the part of the Ministry of the Environment office in Sarnia was appropriate or not. The member has brought that to my attention, I think, previously in the House and I have asked for information in that regard.

**Mrs. Grier:** The minister is always very quick with his good news press releases. This is the second occasion when I have had to draw to his attention the fact that the bad news never seems to get out quite so readily. Because of its concerns about drinking water from the St. Clair, the town of Wallaceburg has a spills notification procedure with the Ministry of the Environment—

**Hon. Mr. Bradley:** I have lots of bad news releases.

**Mr. B. Rae:** Listen to this. Listen to this.

**Mr. Speaker:** Order. I would like to hear the supplementary about the bad news.

**Mrs. Grier:** There has been so much bad news that in 1985 the town of Wallaceburg negotiated a spills notification procedure with the ministry so that it would be notified every time there was a spill. I now have a letter from a resident of Sarnia asking me to ask the minister if in fact the ministry notified the Michigan authorities of the fact that there had been a spill at five o'clock on

Wednesday, January 10, and did not notify Wallaceburg until the Friday.

**Hon. Mr. Bradley:** I notice that the member for Sarnia (Mr. Brandt) was trying to get a look at who the letter was from. Who is the president of the Progressive Conservative Association in the member's riding?

One of the criticisms which is levelled at me right across Ontario is that I am often presenting the bad news to the people of this province. With the activities and actions we are taking to try to turn that around, whether it is in the Niagara Peninsula or western Ontario or northern Ontario, I think if members counted all the information we provide, they would find we provide more bad news in terms of telling what the problems are that were left to us by the previous government than we provide good news. I want to assure the member that we will continue to provide both the bad news and the good news in this particular case.

In terms of notification, I have indicated to her that we are reviewing our practices of notification, because on some occasions the judgement of the officials of the Ministry of the Environment will be that there is, for instance, a very minor spill which would not perhaps, in their view, precipitate an action which would close down any plants. What we are reviewing is what criteria would be used, what threshold would be used, because it is very understandable, as the member points out, that people—

**Mr. Speaker:** Thank you.

#### DISPOSAL OF DDT

**Mrs. Marland:** My question is also for the Minister of the Environment. The minister banned all uses of DDT on December 2, 1988, and gave the following notice to all those with existing DDT stock: "Until December 31, 1988, DDT may be transported in accordance with sections 105 to 107 of this regulation to the Tricil waste transfer station at 551 Avonhead Road, Mississauga."

Could the minister explain why Tricil's disposal fee for DDT of \$2.50 per pound increased 180 per cent to \$7 per pound immediately following the minister's announcement of the ban and of the requirement to send all in-stock DDT to Tricil?

**Hon. Mr. Bradley:** I am afraid that I do not control the prices which the company charges for whatever it does. The member's party is familiar with the free enterprise system. She and her friend to her right, the member for Burlington South (Mr. Jackson), and her leader and others



would say that the free enterprise system works as a free enterprise system works. We simply do the regulation. We put forward the regulation because we perceived that a problem existed. This company is a company which is licensed to do this and therefore we put forward that regulation, but I do not have control over what the company charges.

**Mrs. Marland:** Before December 2, the pest control operators purchased and used what was then a perfectly legal substance. Now not only have they lost the value of their inventory but they also have to pay inflated disposal costs. When property is expropriated, governments usually compensate the owners, so my question is: In fairness to these companies and in the interest of protecting the environment, will the minister be offering some form of compensation or disposal assistance to those with existing DDT stock?

**Hon. Mr. Bradley:** In fairness, my number one concern has to be getting rid of any DDT which exists in the province. I am not here to protect the companies which had the DDT in hand, because I think most people would have anticipated it years ago. DDT should have been totally out of use. What happened, in fact, was that some people still had some.

I wanted to see the DDT completely taken out of use and out of the stockpiling in inappropriate places. I know that sometimes enforcing the rules and regulations and the laws of this province is costly for some people, but that is the price we have to pay to protect the environment.

1450

## ACID RAIN

**Ms. Hart:** My question is also to the Minister of the Environment.

Last Friday we saw the swearing in of George Bush as the 41st President of the United States. Sulphur dioxide emissions, largely from coal-burning power plants in the midwestern United States, are one of the major sources of acid rain which falls upon Ontario's lakes, forests, streams and cities, as we know from today's papers.

In light of Ronald Reagan's total lack of action on acid rain, can the minister outline what actions on acid rain he expects from the new American administration?

**Hon. Mr. Bradley:** That is an excellent question from the member. I want to indicate to her that I think, in fairness to President Bush, one cannot make any specific judgements until we see what programs are going to be implemented.

He did indicate during the election campaign that he wanted to see a reduction of some millions of tons of acid rain in terms of the emissions that fell both on the United States and on Canada. He also selected James Baker as the Secretary of State. Mr. Baker has indicated very clearly that he wishes to see and expects to see a change in the manner in which the US administration deals with the issue of acid rain, and a change for the better.

In addition to that, there have been others appointed to key positions, including the new Environmental Protection Agency director, who is a person who comes from the environmental community. I think that probably bodes quite well.

The key question is, of course, how many millions of tons? Not just millions of tons, but how many millions of tons will the United States be prepared to reduce? I think what we want to see is a matching of the program that we have implemented here in Ontario, called Countdown Acid Rain.

**Ms. Hart:** While I am glad to hear that the minister believes that this administration will be an improvement over its predecessor, it is vitally important that Ontario keep the pressure on the United States to fight acid rain. We cannot stand idly by while thousands of our lakes die, our buildings—this very building—crumble and our health may be affected.

What action is the minister taking to press the United States to reduce acid rain?

**Hon. Mr. Bradley:** We in Ontario, as I have indicated, believe in leading by example. With the Countdown Acid Rain program in Ontario, we have very much strengthened the Canadian hand in any negotiations with the United States and have strengthened the position of environmentalists, both in the United States and Canada, who have called for significant reductions on the other side of the border.

The members from northern Ontario would know, for instance, that Inco has committed almost \$500 million, Falconbridge some \$38 million, Algoma Steel will meet its requirements and Ontario Hydro will meet its requirements, probably at a cost in excess of \$500 million.

Second, we are petitioning the US Court of Appeals to force the EPA to enforce its laws which prevent acid rain. We have joined with other states in the United States and environment groups. I am pleased to say that Environment Canada, part of the federal government, has come into this case as a friend of the court. I think that is very productive and helpful.

Third, I will continue my dialogue with key members of the US Congress and administration in an attempt to persuade them of the validity of the case that we in Ontario and Canada are putting forward.

#### PROPOSED FERTILIZER PLANT

**Miss Martel:** My question is for the Minister of Northern Development (Mr. Fontaine) concerning the establishment of a fertilizer plant in northern Ontario.

The minister will know that for many years my predecessor, and also the member for Nickel Belt (Mr. Laughren), advocated the establishment of such a plant in northern Ontario. Finally, in March 1986 his ministry determined that a feasibility study should be undertaken to look at the prospects of that.

The consultant's study was finalized in July 1987; it recommended two things: first, that such an undertaking was feasible, and second, that phase 2 of the study be undertaken immediately. Since then, we have asked the ministry to take a lead role with private industry in developing phase 2 of the study. In November we were guaranteed this would happen. We have had no new information since then.

I would like to ask the minister specifically, which companies in the private sector have agreed to participate in this study and when will phase 2 finally begin?

**Hon. Mr. Fontaine:** I would like to refer this question to the Minister of Mines.

**Hon. Mr. Conway:** I want to say to my colleague and friend the member for Sudbury East that I very much appreciate her interest in this. She is correct that there has been an ongoing dialogue about this particular matter. The ministry has aggressively encouraged interest in the private sector.

It seems to me that, subject to my checking the file, the private sector parties that have been encouraged to take an interest are parties like Falconbridge, Sherritt Gordon and C-I-L. These are two or three of those parties that I recall having been encouraged. We are actively pursuing the matter with them, but as the honourable member would know, we want to ensure that there is a very active canvass of all in the community and we want to make sure that there is a market to which we could direct this particular matter.

**Miss Martel:** The reason for my concern is that this is beginning to sound like the northern Ontario heritage fund. It goes on and on and we have commitments, but nothing is undertaken.

The minister will know that one of the things which disturbed my colleague and me the most about this whole situation was that the city of Sudbury was excluded from the original study. This occurred in spite of the fact that the press release issued by the Minister of Northern Development in 1986 specifically stated that the Sudbury mineral operations would be included.

I would like to ask the Minister of Mines if he can guarantee in the House today that if and when phase 2 finally gets off the ground, the city of Sudbury and those operations will be included.

**Hon. Mr. Conway:** The short answer is yes, the honourable member is quite correct that there has been a very active consideration of the possibilities, particularly in northeastern Ontario. We are looking now at the phase 2 level, the whole feasibility question, particularly with respect to market development.

I can assure the honourable member, whose interest I noted earlier, that in this, as in all matters, this government intends to consider all communities in northern Ontario, and certainly included in that would be Sudbury.

#### WASTE MANAGEMENT

**Mr. Harris:** I want to ask a question of the Minister of Northern Development about garbage. His government is now working on a plan to deal with Metropolitan Toronto's garbage. Like so many problems, it now appears that the Premier (Mr. Peterson), instead of developing a solution, plans to put the onus for a solution on somebody else's shoulders.

We have heard about a proposal to transport Metro's garbage to some undisclosed site. I would like to ask the minister if he thinks that southern Ontario's garbage problems should be resolved by creating a huge, new garbage dump in northern Ontario.

**Hon. Mr. Fontaine:** Again, I want to remind my honourable friend that I am not the Minister of the Environment. I will refer this question to the Minister of the Environment.

**Hon. Mr. Bradley:** I simply say to the member for Nipissing that a number of options have been canvassed and a number of potential ways of dealing with waste management in the Metropolitan Toronto areas have been discussed. What has happened is that several of the regional municipalities have got together to attempt to work together to find solutions to the waste management challenges that face them.

Certainly, one would anticipate that if there were any such proposal that would come forward, host municipalities or host areas would



be those that would initiate an interest in it and certainly not others, and it would be with the acceptance of any community, whether it is in northern Ontario or in southern Ontario. There would be an evaluation on the part of that community as to any proposal to be put forward. It would not be a matter, which I think the member legitimately would be concerned about, of simply selecting a site and saying, "Here's how we are going to deal with a specific waste management challenge."

#### 1500

**Mr. Harris:** The real supplementary is, who is over there fighting for the north? Who is speaking up for the north? Who is the minister responsible for northern development? But since he referred it, I will go back to the Minister of the Environment and say this to the minister, because he is responsible for some of the other problems of the north too, since we do not have a Minister of Natural Resources any more: This government has brought in a number of disastrous policies, to the detriment of resource workers, sportsmen and wildlife management, all on the pretext of preserving northern wilderness, but the government will not rule out dumping Metro's garbage in the Temagami area.

I am told one of the sites under consideration is the Sherman Mine near Temagami, in the Temagami wilderness area. Can the minister tell me why responsible forestry, mining and outdoor recreation activities are unacceptable in this area but he and his ministry and his government will not rule out dumping garbage in that area?

**Hon. Mr. Bradley:** First of all, one has to say that the member for Nipissing should consult other members of his caucus, because on these issues it seems four or five different positions are forthcoming.

I look at the situation with the number of incidents or policies to which he has made reference, and some of his members from other parts of Ontario would have said they were interested in a different point of view than the member for Nipissing, but I am not aware of any such proposal as the member has made reference to.

**Mr. Harris:** Why don't you just rule out the Temagami area? You are the great defender of nothing happening to Temagami. Answer the question: Will you say no to Temagami?

**Hon. Mr. Bradley:** Well, the member went into a long preamble and brought in other things, so I thought it would be most appropriate that I would have the opportunity to respond in kind.

I am telling him that I have no knowledge of any such proposal that has been put forward, and if the member has knowledge of it, I would be most interested in hearing about it, but it is news to me.

#### CONSTITUTIONAL REFORM

**Mr. Beer:** My question is to the Attorney General. Before Christmas, the minister met with the Alberta Minister of Federal and Intergovernmental Affairs and earlier this month he met with Senator Murray to discuss, among other things, Senate reform. I wonder if he could inform the House of where, in his judgement, those discussions now sit, and were there any other issues that were raised during his meeting with Senator Murray regarding the current impasse with respect to the Meech Lake accord?

**Hon. Mr. Scott:** As the honourable member knows, Mr. Horsman, the Alberta Minister of Federal and Intergovernmental Affairs, made a nationwide tour to discuss with provincial governments and the federal government the Alberta government's proposal for triple E Senate reform. Following that, as the Prime Minister of Canada had promised, he sent Senator Murray from coast to coast to visit provincial governments and determine whether there was any basis for consensus on Senate reform, and Toronto was his first stop.

We discussed the Horsman proposal. We said that one of the Es in triple E seemed something we could work with but that there were problems about it. We also raised with the senator Ontario's view that the matters that were set out in the select committee on constitutional reform's report would have to be addressed by the first ministers at the same time as Senate reform.

**Mr. Beer:** The minister mentioned the various recommendations that were contained in the select committee report which this House adopted last year in June at the time of the discussion of the Meech Lake amendment. I would like to be clear in terms of the discussions that the Attorney General and the Premier are having that in fact we are continuing to push for the inclusion of the recommendations which we made in our report to be discussed at the second round, and particularly, I suppose, the two recommendations that we crafted in the form of amendments, recommendations 9 and 10. Is it the continuing intention of the government to pursue those matters with other ministers of intergovernmental affairs?

**Hon. Mr. Scott:** That is clearly the intention of the government. Senator Murray, of course, had read the committee report and was thorough-

ly familiar with it. I explained to him that I thought there was no question but that the issues which were identified by the committee, particularly the recommendations to which the honourable member refers, would be treated by Ontario as having equivalent priority to any other issues which were advanced in the second round, including Senate reform and fisheries, which are explicitly mentioned in the political accord.

I also indicated to him, as I think the committee represented in its report, that I thought Ontarians were very concerned that we begin to elaborate the process of constitutional negotiation. He essentially accepted both those points as the view of the province.

#### LARK MANUFACTURING INC.

**Mr. Reville:** My question is for the Minister of Labour. The minister will know that in September 1988, at the end of the day on a Friday afternoon, Lark Manufacturing Inc. told its workers not to bother coming back. The company failed to pay the workers their vacation pay. It failed to deal with termination pay. It failed to deal with severance pay. In fact, it failed to pay the workers their wages.

Could the minister tell us what specific steps the employment standards branch has taken to ensure that the workers get the money to which they are entitled, that orders are laid against this company promptly and that assets are not stripped, as the workers fear they have already been, from this company?

**Hon. Mr. Sorbara:** It is too bad the member for Riverdale has asked this question right at the end of question period, because it is a serious issue. He has raised his concern about it previously and I am glad he has raised it at this point.

I cannot give him an up-to-date indication, that is, as of today, where the status of the case is within the employment standards branch. Suffice it to say for the purposes of this question period that the employment standards branch is now meeting with the workers at Lark.

Many of the workers at Lark were women, some of them immigrant women, indeed, in some cases, the most vulnerable people in our workforce. The branch is meeting with those women, a case is being launched, and I would anticipate that actions will be pursued to recover wages owing, to recover vacation pay and any other benefit those people working at Lark are entitled to as a result of the closure of the facility, including severance and termination pay.

## PETITIONS

### YORK REGION LAND DEVELOPMENT

**Mr. Cousens:** I have approximately 50 petitions here from people across the town of Markham addressed to the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the dramatic growth rate in York region has placed extreme pressure on the municipal planning process and, given that serious allegations have been made regarding the integrity of this process in York region, we strongly urge the provincial government to conduct a full and open public inquiry into the municipal planning process and land development practices of York region."

It is duly signed and duly submitted by myself on behalf of the people of Markham.

### NATUROPATHY

**Mr. Polsinelli:** I have three petitions addressed to the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas it is my constitutional right to have available and to choose the health care system of my preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

I have subscribed my name to that petition.

### HOME CARE

**Mr. Jackson:** I have a petition signed by some 600 residents from Burlington addressed to the Honourable the Lieutenant Governor and the Legislative Assembly:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the Red Cross Society has incurred a deficit because the government of Ontario has failed to fulfil its promise to adequately fund home care services and therefore the Red Cross may be forced to withdraw their home care services, we petition the Treasurer of Ontario to adequately fund the Red Cross services so that 170,000 citizens of Ontario are not forced to seek more expensive care in an institutional setting."



The petition has my signature and support, and the total is now 2,600 signatures from the city of Burlington on this subject.

1510

### CHURCH OF SCIENTOLOGY

**Mr. Lupusella:** I have a petition addressed: "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the crown in the province of Ontario continues a lengthy, futile and expensive prosecution against the Church of Scientology; and

"Whereas at no time in recorded history has an entire church been charged with a criminal offence for the actions of individuals, and freedom of religion in the province is at risk; and

"Whereas the alleged offences occurred over a decade ago and those responsible have been expelled from the church or rehabilitated,

"We petition the Attorney General and the government of Ontario to withdraw the charges against the church and end this prosecution."

### REPORT BY COMMITTEE

#### STANDING COMMITTEE ON THE OMBUDSMAN

Miss Nicholas from the standing committee on the Ombudsman presented the committee's report and moved the adoption of its recommendations.

**Miss Nicholas:** The report has a number of recommendations in it, but I think I would be remiss if I did not mention on behalf of the committee that the Ombudsman is retiring in March from his position of five years. We want to, and did in our report, commend Dr. Dan Hill for an excellent job well done as Ombudsman. I know that on behalf of all the committee members, and perhaps the Legislative Assembly, we respect him as an Ombudsman and we will miss him dearly.

As I mentioned, the committee has a number of recommendations. I hate to highlight one, but we did deal with the northern health travel grant. We recommended that travel grants be given to individuals who are older than 18 years of age who are travelling with patients to Toronto or to major city centres. I think this is a good recommendation, one which was unanimously supported by the committee, and I hope that we will have an opportunity to debate it in the House.

We have a lot on our agenda for the next year, including expanded jurisdiction, and I know that we will have a fruitful discussion.

On motion by Miss Nicholas, the debate was adjourned.

### INTRODUCTION OF BILLS

#### AMUSEMENT DEVICES AMENDMENT ACT

Hon. Mr. Wrye moved first reading of Bill 205, An Act to amend the Amusement Devices Act.

Motion agreed to.

**Hon. Mr. Wrye:** Very briefly on these changes we are proposing, in cases where no safety hazard is presented, the bill gives licensees reasonable time to remedy minor violations and permits the director of the elevating devices branch to grant technical variances. In addition to some administrative clarification and fine-tuning, the amendments enable the ministry to require third-party tests of amusement devices and to lay charges within a year of an incident.

Furthermore, the bill makes unsafe behaviour in and around amusement devices an offence under the act. Based on our experience during the first season of our licensing program, I feel these amendments will prove practical for ride operators, while enhancing public safety.

#### ELEVATING DEVICES AMENDMENT ACT

Hon. Mr. Wrye moved first reading of Bill 206, An Act to amend the Elevating Devices Act.

Motion agreed to.

**Hon. Mr. Wrye:** This bill will extend the period of time in which charges may be laid from six months to one year. The change is consistent with changes we are making to the Amusement Devices Act which are intended to improve our administration of justice.

#### ENERGY AMENDMENT ACT

Hon. Mr. Wrye moved first reading of Bill 207, An Act to amend the Energy Act.

Motion agreed to.

**Hon. Mr. Wrye:** These housekeeping changes will clarify the ministry's ability to grant technical variances that do not undermine safety standards and to delegate specific responsibilities to the natural gas utilities, thus ensuring that inspections are as comprehensive as possible.

#### OCCUPATIONAL HEALTH AND SAFETY STATUTE LAW AMENDMENT ACT

Hon. Mr. Sorbara moved first reading of Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act.

Motion agreed to.

### McMICHAEL CANADIAN ART COLLECTION ACT

Hon. Ms. Oddie Munro moved first reading of Bill 209, An Act to revise the McMichael Canadian Collection Act.

Motion agreed to.

**Hon. Ms. Oddie Munro:** It is my pleasure to introduce An Act to revise the McMichael Canadian Collection Act.

As members know, the McMichael Canadian Collection is one of the most important collections of Canadian art in existence. While focused on the Group of Seven, it also includes works by their contemporaries as well as by native and Inuit artists. It is the only gallery in Canada devoted exclusively to Canadian art.

Revisions to the existing act were required for a number of reasons. An appropriate bilingual name was needed for the collection. Under revisions to the act, it would be known as the McMichael Canadian Art Collection d'Art canadien.

The board of trustees will be enlarged to increase its fund-raising capabilities and to ensure effective direction of the collection. The collection mandate has been clarified so that it will remain focused on Canadian art as the gallery continues to expand.

Finally, financial and administrative clarifications have been made that will provide for greater efficiency without altering the relationship of the agency to the ministry.

The McMichael collection is one of our great cultural treasures. This act, revising the previous act, will ensure that it remains such for years to come.

1520

## ORDERS OF THE DAY

### TIME ALLOCATION

(continued)

Resuming the adjourned debate on government notice of motion 20.

**Mr. Harris:** I do not plan to be very much longer, but I did want to have an opportunity to conclude my remarks.

When I left off yesterday, I was discussing the fifth and last of a number of quotes from the government House leader, the member for Renfrew North (Mr. Conway). I think there are another 40 or 50 that I am saving for some of my other colleagues whom I think will want to refer to some of them.

I was talking in the context of Bill 114 specifically and the remarks on February 15, 1983, of the member for Renfrew North, that great part of the Ottawa Valley. He said, "I cannot believe we are seized, in the winter of 1982-83, with some parliamentary crisis that forces us into a new avenue, down a slippery slope of time allocation."

I really think that is the most condemning of quotations for me to read into the record in this debate because, as I referred to yesterday, it implies, even in his very vocal opposition to time allocation, that were the matter of some urgency such as a parliamentary crisis, something of great import, he might then understand—he might not agree with it, but he might then understand—the government's bringing in time allocation.

The occasion when that time allocation motion was brought in was the inflation restraint program. It was designed, as has been proven very successfully, to fight the very severe problem of inflation which this province, this country and certainly the western world faced in 1983.

Now, the member has brought in a similar mechanism, a similar time allocation, on Bill 114.

I think it is important that the House understand just how important Bill 114 is. What is the bill? It is a labour bill designed to make the government look a little better because of the disaster of Bill 113. It is to defend workers from what the government is foisting on them in Bill 113.

Does it do it successfully? Not one worker thinks so, not one union thinks so, not one store owner thinks so. Ninety per cent of the people it is designed to provide some measure of protection for are nonunion; they work in small family stores, with one, two, three, four, five or maybe 10 employees. None of them feels the bill offers any protection at all.

In fact, what it suggests is that if a worker feels things are not being worked out to his satisfaction, they will make mediation available, provided by government mediators; the same mediators who are some three to four to six months backed up on the mediation they currently perform for the Ministry of Labour.

Bill 114 is a bill that store owners do not want. It is a bill workers do not want. It is a bill that has been described by one of the largest unions as probably discriminatory, as probably an infringement of personal rights, as probably unable to withstand a challenge under the Charter of Rights and Freedoms.



This is a bill of such insignificance, such undesirability, that the government has chosen to bring in time allocation for it. I do not think by any stretch of the imagination there is a single, solitary person I know of across this province who thinks this bill is significant, meaningful and worth while. Why pick this bill for time allocation?

Second, this bill of such insignificance, such undesirability, has had a total of one hour of second-reading debate and a total of an hour and a half to two hours of consideration in committee. It is one on which the opposition parties have been very co-operative, have been very facilitative, and have said: "Let's not prolong the debate. Let's get it out to hearings, hear what the people have to say. We'll have an opportunity. This government will give us an opportunity to have full and open debate when the time comes." That is what we thought. How wrong we were when we see this guillotine motion before us today. How wrong we were.

When it came back into committee after the hearings, we sped it along in less than one session's worth of time, an hour and a half or so, because we felt the bill required and deserved to be in committee of the whole, where all of our members could express their concern with the bill, where all of our members could have the opportunity they did not have on second reading.

I guess I feel particularly betrayed. As House leader for my party, it is my obligation, one of my tasks, to negotiate with the other House leaders a reasonable forum for each individual member, if he or she so chooses, to speak and express his or her thoughts on a particular piece of legislation. I, in good faith, felt that would happen when we limited debate on second reading. I said there would be another opportunity. Now, there is not that opportunity for all of my members. In that sense, I have let my members down by trusting in the good faith, by trusting in the sense of fairness, of the government that the opportunity would be provided.

It is for that paramount reason that I feel very sad the government has brought in this motion. I mentioned a number of other reasons in my remarks yesterday about why I think it is wrong. I have encouraged my colleagues, if they wish to make comment on Bill 114, to seize upon this opportunity as they are being closed out to make some reference and some comment to Bill 114, because this motion itself which we are debating is to cut off that debate, to limit that debate.

My party will oppose this bill. My party will vigorously debate this bill. My party is saddened

and very much regrets that the government has chosen to proceed in this way.

**1530**

**Mr. Kormos:** I am going to speak relatively briefly about this. I am undoubtedly the most junior member here. In the approximately 75 days I have been here I have been impressed by much; yet other things that have occurred have, rather than impressed me, disturbed me greatly. In Welland-Thorold, where I come from, where I live and the riding I represent here, I know that the matter of Sunday shopping and Sunday working is of great importance.

I listened with care yesterday as the government House leader spoke. One of the things that he said was that the government listened. I can say this: If they listened, if indeed they did, they certainly did not hear, because it seems to me—and I speak not only of Welland-Thorold—that disfavour and thorough disapproval of this legislation, opposition to this legislation is widespread throughout the province. One is hard pressed to think of more than a handful, if that many, of parties or persons or groups that support or would be in a position to support what is blatantly bad legislation.

In addition, we all know now so well that the promotion of the legislation is but another breach of a pre-election promise. That has been spoken of already by other members of the opposition. We know that workers across the province—both organized workers and more significantly, perhaps, unorganized workers—are thoroughly opposed to Sunday shopping. The reason they are opposed is because they know that it does not just mean Sunday shopping; it means Sunday working as well.

These same people are opposed to the whole concept of local option. They recognize that this is but some sort of diversion that the government raises to direct attention away from what the real impact is going to be, because the net impact of local optioning is going to be wide-open, across-the-board, across-the-province Sunday shopping, and that will inevitably mean Sunday working.

We know that senior citizens are opposed to the legislation. They have said so. We know that women are opposed to the legislation. They have said so. We know that the churches are opposed to the legislation. They have said so. We know that small businessmen are opposed to the legislation.

In the communities where I come from—communities like Welland and Thorold which have downtown areas occupied by small busi-

nessmen, primarily family-run businesses—they have devoted a great deal of effort and attention to the demise of the downtown, to the surrender of the downtown, the eclipse of the downtown by the fringe shopping plaza.

We know that the shopping plaza operators are one of the few groups of people or classes of people who have any real interest in seeing this legislation pass. Small businessmen who are ill pressed now to maintain their businesses, to maintain the downtowns of communities like Welland and Thorold, are least of all capable and prepared to maintain seven-day-a-week opening and seven-day-a-week working. Wide-open Sunday shopping will mean the end of small-town downtowns like those in Welland and Thorold.

Bill 113 and Bill 114 before the assembly are not just bad and unpopular. Their passage will have a lasting and unfortunate impact on every city and town in the province and on every family in each one of those cities and towns. As I have said, I know that in Welland-Thorold there is acute concern about these bills. I can say that the people of Welland-Thorold feel a great sense of betrayal by the introduction of this legislation, and even more so now by the effort to muzzle on the part of the government.

The question is, how could a government persist with legislation that is so unpopular and just plain bad? How can the Liberal government carry on with these bills when so many people, not just in Welland and Thorold but across the province, have said no and have said, "The Liberal government is not speaking for us when it says that Sunday shopping and Sunday working are okay"?

Now the Liberal government wants to restrict debate on it. One would have thought that not only opposition members, who of course would want every opportunity to place their positions on the record, but also government members would want every opportunity to indicate to their communities and to the public why they would be supporting the legislation.

It is legislation that eradicates, that destroys a common pause day. It is legislation that constitutes an assault on the role of the churches in our communities and in our personal lives. Surely one would think that the government would welcome the most thorough debate and would seek a public expression of all the interests at stake. Stifling debate, muzzling the members of the assembly is an assault on the rights and interests of every person in the province.

But then, and this was referred to yesterday, there is even more that becomes apparent here, which is clearly that the government and its members want the legislation passed. They want Sunday shopping and Sunday working, even though the clear majority of the province does not. The government obviously wants to pack up and get out of here before the heat really gets turned up.

The government's Ontario Automobile Insurance Board is going to announce its auto insurance premium increases shortly; and there is no doubt that they are going to be increases. For a government whose leader promised a specific plan to reduce auto insurance premiums, those increases will effectively hit the fan shortly. I suggest that even the Liberal members—certainly the Liberal members least of all—do not want to be here when that happens. At least, they want to flee from here as soon afterwards as possible.

I would ask whether that is not yet another reason why the government would prevent full debate on this issue, on the discussion of Sunday shopping and Sunday working, so that it can flee the heat when the increased premiums hit the fan, so that it can hide from its role in having created yet higher insurance premiums when it knows it broke its promise to reduce premiums.

The Liberal government, I would suggest, wants to be as far away from here as possible, because it will not be able to defend the board, it will not be able to defend its process and it will not be able to defend the massive premium increases. The government will not be able to explain why the board failed to make a single inquiry as to what is just and reasonable, what is affordable for the driving public. In effect, they are avoiding the maxim: "You've called the tune. Now pay the piper."

I very briefly indicate that it seems to me grossly irresponsible for the government to avoid this particular issue, to muzzle the assembly, to muzzle the opposition and, as I say, to prevent its own members from explaining to their ridings and to the province why they will be supporting the legislation. It seems to me imperative that the public has a right to know why each and every one of the government members would vote on behalf of this legislation. It is a process that, I submit, is an unfair and undemocratic restriction on debate.

**Mrs. Marland:** In rising to speak to the resolution placed by the government House leader, which in essence means that there will be, at most, four more days to deal with the future direction of this province in terms of Sunday



shopping and Sunday working, I must say at the outset that I really probably had a little more confidence in the reliability of some of the statements made by this Liberal government in the past.

I suppose I did that in a rather honest, nonpartisan way. I perhaps felt, when this government promised the people of Ontario that it would be a government with no walls, no doors, no barriers, it would be a new government and a new time in Ontario where people would be listened to, where people's wishes would be represented by that government and it would be a wholly open government.

**1540**

What in fact we have completely confirmed for the people of Ontario by this resolution of the government House leader which is before us today, which is no less than a closure motion, is that it not only limits the debate on one bill, but it is precedent-setting because it limits the debate on two bills. Two bills together, for the first time in the history of this Legislature, are being moved to closure by the current Liberal government.

It is somewhat ironic when you follow what the government House leader said yesterday in some of his comments. I really wonder what the government House leader thinks is the responsibility of each one of us who is elected to this Legislature. I acknowledge I do not have the number of years of experience that the member for Renfrew North has, but I would have thought that some of his statements yesterday would have reflected some of his experience in terms of the responsibility that each one of us holds as an elected member of this Legislature.

Instead of that, yesterday I heard the government House leader saying things like the government really had been moved to this point where it had to place this resolution of closure because of a number of tactics on the part of the opposition parties. Unfortunately, I cannot extract from the Instant Hansard, of which I have just received a copy, exactly where the Liberal government House leader placed his opinions when he started this debate yesterday.

However, I know that he did refer to, among some of the tactics that he accused the opposition parties of using in our fight in opposition to both Bill 113 and Bill 114—and I am paraphrasing probably, but I know with some accuracy—our needless and endless reading of petitions. Is that not interesting? Needless and endless reading of petitions.

I would have to wonder what other obligation or alternative an elected member of this Legislature has than to read petitions that are presented to him, in turn to be presented on his behalf to the Lieutenant Governor in Council and the government of Ontario. Frankly, it is our job; it is our mandate; it is our obligation to read and present petitions in this House that represent the opinions of the people who elect us to serve them.

I think that for the government House leader to refer to this as needless and endless reading of petitions shows little empathy or understanding for each one of us who sincerely tries to fulfil our obligations as members in this Legislature. As we try to serve the people who elect us, we try to do that very conscientiously.

If it means that we read petitions in opposition, as it happens to be in this instance, to a government bill, a piece of government legislation, then so be it. That is our job. That is our responsibility. If we are not here representing the opinions of the people who elected us to represent them, then I would have to wonder what purpose there is for us serving in this House at all.

**Mr. Pouliot:** On a point of order, Mr. Speaker: The member for Mississauga South indeed has some words of wisdom, but I do not believe in accordance with the standing orders that this House is duly constituted.

The Deputy Speaker ordered the bells rung.

**1546**

**The Deputy Speaker:** A quorum being present, the member for Mississauga South may proceed.

**Mrs. Marland:** For the record, I hope that those members who have been recalled into this chamber will certainly recognize that it was not the speaker who has the floor currently who called for the quorum to be present. However, I am more than delighted to have more members come into the chamber and now listen to my words of wisdom, especially those government members who will ultimately be placed in a position where they will have to vote on this motion of closure—

Interjections.

**The Deputy Speaker:** Order.

**Mrs. Marland:**—particularly those members of the government benches who have also presented petitions on behalf of their constituents asking them not to support this legislation and who now have been freed by their Premier (Mr. Peterson), by the leader of their Liberal Party in Ontario.

They have been freed by the Premier to vote as they choose. In so doing, they will represent the people whose petitions they have presented in this House—and since that was the point at which the quorum was called, then I am quite happy now to resume my comments on this very regressive government resolution.

It is true that yesterday when the member for Renfrew North was speaking, he referred to some of the tactics by the opposition parties on this motion. He said, "In this debate, for example, we have seen not just endless bell-ringing but also endless reading of petitions where we could not get to the orders of the day."

Well, it so happens that a part of our routine proceedings is called petitions. It just happens that it precedes orders of the day, and if in fact there are petitions to be presented and to be read in this House, that is the point at which they are read and presented, and the obligation that each one of us who receives petitions from our constituents has is to read them.

Interjections.

**The Deputy Speaker:** Order, please.

**Mrs. Marland:** Here we are today with a resolution that will now control the process of free and open speech in this House, and as I said a few moments ago, for the first time dealing with two bills.

Mr. Speaker, I am trying very hard to address my comments to you. As you are aware, I am certainly trying to ignore the comments of those members who have yet to speak but who do not have the courtesy to allow the person who is speaking to have the floor without interjections. I sympathize with your job. I realize it is a very difficult position you have also.

I just feel that in quoting the government House leader, I would also like to quote what he said in opposition when he too was faced, as I am today, with speaking to a government motion for closure. Is it not funny when you think of that old song, the old adage, "What a difference a day makes"? What a difference, indeed, because on February 15, 1983, the member for Renfrew North said:

"I reiterate, we have been able to do the business of this Legislative Assembly for a long time, through wartime, through great depression and much acrimony, without the time allocation procedure," the very same procedure that now the member for Renfrew North is in government, he himself has placed in this chamber.

In fact, the member for Renfrew North goes on the next day, February 16. Obviously, the member for Renfrew North got to speak in the

Legislature on two successive days in 1983, February 15 and February 16. On February 16, he said: "My point is simply that in my time here...we have had many a heated debate on many a government bill....We saw the best of the British parliamentary system at work, a bit of give, a bit of take."

Would it not be just great if we had a Liberal government today that believed in the British parliamentary system, that would in fact have a bit of give and a bit of take.

I further quote from the member for Renfrew North on February 16, 1983, where he went on to say, "It reminds some of us of the happy compromises of an earlier day on important legislation that made this place work in the face of strong opposition....And without closure."

Mr. Conway was speaking in favour of having debate without closure.

**The Deputy Speaker:** The member for Renfrew North, if you please.

**Mrs. Marland:** The member for Renfrew North at this time. I do not know the name of his riding at that time, on February 16, 1983, although his name, Sean Conway, was the same.

Further on that day, the same person says: "It is the way of our forbears. It is the way of our tradition. It is not the way of some extraneous place that might, in this instance, provide some convenient crutch on which the government might lean."

You would think that with 94 seats, this Liberal government would not need any crutches, but obviously, using the words of the current government House leader, it does need crutches and therefore it is moving this motion of closure, or time allocation in other words, in this House.

Let us think it is only one member of the current Liberal government who had concerns with this very same process in 1983, I would like to read what the current Minister of the Environment, the member for St. Catharines (Mr. Bradley), said on February 15, 1983.

"I feel the government would have been much wiser to have adopted a different course of action. I think it is blocking the democratic process; that is a mild word to use," said the member for St. Catharines in 1983. He said "blocking the democratic process." The member for St. Catharines, who is now our Liberal Minister of the Environment, said that in Hansard on February 15, 1983, for those of you who wish to check the reference.

On that same day he also went on to say: "I ask that he"—the Premier—"recognize the lack of



wisdom of proceeding with a motion of this kind. It clearly stamps his government as one that is prepared to bulldoze legislation—important and less important—through this House.”

I am sure this very eloquent speaker on February 15, 1983, the current Minister of the Environment for the Liberal government, today has these words haunting him, as he is part of this government which is now bulldozing legislation that the people of this province do not wish for, that the members of the opposition parties of this House do not support, and that I hope some of the members of the Liberal government will not support.

In quoting the current members of the government, who obviously have all turned their coats inside out and are now sitting in the government, those things they believed in so strongly six or seven years ago suddenly do not matter any more. Suddenly, they have 94 seats and a mandate and they are completely different people. They think differently and they feel differently. Obviously, it is very easy for them to change their minds, and I would guess, perhaps their standards.

I feel it would be unfair to focus only on the government House leader and the Minister of the Environment in these quotations from the past. In order to be completely fair, I will now quote David Peterson from December 8, 1982.

**The Deputy Speaker:** May I again remind the member that there is a parliamentary tradition not to call the members by name.

**Mrs. Marland:** I will quote the person who is currently the member for London Centre, the Honourable David Peterson, the Premier of Ontario, the Leader of the Ontario Liberal Party. I do not know the name of his riding back in 1982 because the riding names have been changed.

On December 8, 1982, this person said, “As my colleague pointed out, there were other options. That is why we cannot support this motion for closure, guillotine, phase closure, time allocation or whatever one wants to call it.”

How interesting that the current member for London Centre, the current Premier of this province, felt that this very motion that his government has now introduced in this House in December 1982 was perhaps a guillotine type of procedure. Indeed it is.

This same speaker went on to say on December 8, 1982, “I have the right to pursue the most vigorous opposition that I can pursue, and the longer I am here the more I believe very strongly that the opposition is the only thing that stands between government and the sheer, naked

use of power.” The words “sheer, naked use of power,” were the very words of the current Liberal Premier himself back in December 1982.

Six years ago, plus two or three weeks when the current Premier was simply David Peterson, a member of the Liberal opposition in Ontario, he was moved to make an extremely strong statement against the very type of motion he now, as leader and Premier of this province, has introduced, a motion that at that time he said was “the sheer, naked use of power.”

He also said he had the right to pursue the most vigorous opposition he could pursue. Is that not a right for every single member of this Legislature? Is that not the very right each one of us is trying to exercise? Is that not the very right each one of us wants to exercise on behalf of the people who elected us to represent them in this House?

## 1600

For those of us in the Progressive Conservative Party in Ontario who are totally opposed to Bill 113 and Bill 114 and the direction in which our province will go once those bills are proclaimed, that is all we want. We want the very same right the member for London Centre, the then member of the opposition and now the Premier wanted to pursue in 1982.

There is no question, when we look at the impact of this legislation, that we will have tremendous changes in the future direction of the society of this province. How ironic that when these two bills change society in Ontario, that change will be totally against the will of the majority of the people. How ironic that the majority of those people in Ontario who voted Liberal on September 10, 1987, because they heard the Liberal candidates across this province promise them, as they also heard the leader of the Liberal Party, the Premier, that they would not make any changes in the Sunday shopping legislation—

**Mr. Faubert:** Who said that? Oh, come on.

**Mrs. Marland:** We have the statements of those candidates. We have statements in the press. We have advertisements by the Ontario Liberal Party where it promised that it had no intention to change legislation affecting Sunday shopping or Sunday working in this province. They gave those assurances. On the basis of those assurances, they were elected with 94 members.

There were many promises made by the Liberal Party as it rode around this province in the summer of 1987. This is just one of the many broken Liberal promises. It happens to be one that Progressive Conservatives and my col-

leagues in this caucus feel very strongly about. It happens to be one that I, personally, feel very strongly about. It happens to be one of the promises on which I never thought this government would be so foolish as to run counter to public opinion.

They knew public opinion at the time they were campaigning in the summer of 1987. The reason they knew was because we had had two legislative committees travel this province and ask the public what it thought.

We had had a Progressive Conservative task force travel to all points in the province, both urban and rural, both tourist and business. The Progressive Conservative task force visited 14 centres and heard very clearly from the people in Ontario that they did not want changes to permit Sunday shopping in Ontario.

Only six months later, there followed around this province another group of people who were members of an all-party legislative committee. On that committee, we had the member for London South (Mrs. Smith), now the Solicitor General. That committee also travelled to 14 or 15 locations in Ontario and also heard loud and clear from the people of this province that they did not want wide-open Sunday shopping, that they did not want changes in the legislation, and that they did not want the responsibility for that decision to be made at the municipal level, but wanted it to stay with the province.

So much so that when the report of the standing committee of this Legislature was tabled in this House by the chairman of that committee, it was unanimous by all members who sat on that committee, which means of course the Liberal members who I think numbered six or seven and the members of the New Democratic Party and the Progressive Conservative Party. There was not one negative vote on that committee.

The first recommendation of that committee was that the responsibility for legislating Sunday openings remain with the province. How ironic that one of those Liberal members today is the Solicitor General, the member for London South, who in turn had to be the person to introduce Bill 113. How ironic that even now, after we had a second committee tour this province and hear from the people that they do not want any changes in Ontario in terms of Sunday shopping, we still were not satisfied. We still came back after the election in September 1987 and had this government introduce two bills, Bill 113 and Bill 114.

The irony, of course, is that what Bill 113 really says in very few words is: "We as the Liberal government of Ontario don't want to be bothered with the issue of Sunday shopping, so we're going to give it to the municipalities. We'll let the local municipalities decide. Let them have all the pressure groups, the lobby groups, the headaches. Let them try to respond to the problem. We don't want it."

Then we have Bill 114 as a partner bill. Bill 114 says, "Oh, dear, of course, if we're going to have some municipalities open on Sunday, we'd better do something to protect the workers who don't want to work." Bill 114 is supposed to do that. Unfortunately, it does not do that. Bill 114 does not protect the workers in this province who might choose to spend Sunday as a common day of pause, who might choose to be with their families, relatives and friends on Sunday, who do not want to be placed in a position where they are forced to work because they do not, according to the bill, have "reasonable" cause not to work. I would like to see anyone in this House define the word "reasonable."

We hear all the time from this government: "What's the problem? A lot of people work on Sundays today. Why shouldn't everybody else work?" In its own pathetic defence, this Liberal government believes the dictum, "Misery loves company." They love to tell us that many people already work on Sundays.

Even after Bill 113 and Bill 114 were introduced, this government was still convinced—goodness knows, it must have blinkers on—that this was what the people of Ontario wanted. They wanted to take those bills right through second reading and third reading, have them proclaimed and get on with dumping the Sunday shopping issue on the municipalities. Only because the two opposition parties dug in their heels were we able to force the government at least to agree to public hearings on these bills. If we had not insisted, we would not even have had those two pieces of legislation go to committee for public hearings. We now have the third road show travelling around this province, again an all-party legislation committee, asking the people of Ontario what they want.

#### 1610

It is my understanding that this committee had something like 287 depositions before it. I am speaking of the number of people who attended in person; I know they received a large number of written briefs. Of approximately 287 appearances before the committee, I understand there



were eight in favour of both those bills, particularly in favour of Bill 113.

Here we have again the people of Ontario saying what their opinion is, what they want for the future of this province on the subject of Sunday shopping. We expected that after all of the public had been in before this committee and had said no, no, no to Sunday shopping and Sunday working, the committee would listen, but that is not what happened.

The Liberal members on that committee could not listen to any of the arguments either by my Progressive Conservative colleagues on the committee or the members of the New Democratic Party on that committee, nor could they seemingly listen to 279 presenters to the committee. They went into those hearings with the pretense of listening to the people of Ontario but came out of those hearings choosing not to amend the legislation to where it might be even partially acceptable or workable. They just went in to carry the banner for the Liberal government, which had already decided it was going to pass this legislation and, as I say, dump the issue and the responsibility on the municipalities.

How ironic that when I circulated a questionnaire on Sunday shopping in the riding of Mississauga South I received almost 1,500 responses. I know those who have sent out householders with questionnaires as part of those householders will appreciate that 1,500 responses is a very high response number, to have 1,500 people who will complete a questionnaire on any issue, but in this case I was only addressing the Sunday shopping issue.

When polls are done by professional pollsters across this country on any issue, they usually take a number between 1,100 and 1,200, I think. For my office in Mississauga South to receive 1,500 responses said to me that these people wanted to make a statement. When we calculated the response that came in on Sunday shopping, the figure was 70.5 per cent opposed to Sunday shopping. Some of the additional comments that people went to the trouble to write on this questionnaire say to me, as their representative, that I have an obligation to stand in this House today and oppose this government closure motion. I have an obligation to tell this Liberal government of Ontario that the people in Mississauga South do not want Sunday shopping and Sunday working.

I will read only one additional comment which was made when in my questionnaire I asked, "What do you think is the most important issue facing the province of Ontario today?" The

handwritten answer is: "Replacing a haughty and vacillating government with one committed to the principles and ideals of conservatism, which have served this province well for many years and in no small measure contributed to its social stability and economic prosperity."

What that is saying is that the people of Ontario want a government that will listen. They do not want a government that makes promises and then betrays the people who elect it by not keeping its promises. They do not want a government that wishes to change the future direction of this province with this kind of legislation. They do not even want a government that makes the kind of statements that this government has made on other issues that affect the social fabric of this province. I might use as an example the position that the government has taken with regard to the reading of the Lord's Prayer in opening exercises in schools.

The Sunday shopping issue is just a further reflection of this government's lack of caring for and commitment to the people of Ontario. For all those thousands upon thousands upon thousands of petitions and names of people that have been read into Hansard, the record of this Legislature, on their behalf, we stand today opposed to a motion which stops the fair, democratic, British parliamentary procedure of wide-open debate and a continuous opportunity to express the concerns of the people we represent.

I know the government has said that we are holding up other business of the House. As I look at the pieces of legislation that are on our Orders and Notices as business of this House, I, frankly, do not see anything that impacts on as large a number of people as do these two bills, and adversely impacts on the people who can least be impacted on.

When we look at Bill 114 and think about the fact that this Sunday worker legislation does greater harm than good in that it creates an aura of protection for retail workers but in reality offers little or no protection for the most vulnerable of our workforce, particularly single parents, and we look at the kind of pressure that is put on those families, just coping with a normal work week—if we cannot believe in a common day of pause for religious reasons, then surely we can believe in a common day of pause for reasons of our social fabric.

Frankly, the argument that this Liberal government has placed in support of its own legislation on this issue is not representative of the people that each one of the Liberal government members represents. I am still, I suppose,

an optimist enough to the degree that I am hopeful that when the vote takes place in this Legislature on Bill 113 and Bill 114 the members of the Liberal Party in Ontario will look very closely at each and every one of their responsibilities, particularly, I might add, those members of the Liberal Party who have stood in this House and who have read into the record petitions from their constituents in opposition to Sunday shopping and Sunday working. If those members then stand in the House and vote in favour of this legislation by saying, "We are not saying that we are in favour of Sunday shopping and Sunday working. All we are saying is that we are in favour of somebody else making the decision. We are in favour of passing it down to the municipalities and letting them decide whether there is going to be open stores in Mississauga, Oakville, or Etobicoke, or wherever, around this province," all I can say in response is that each and every one of the members in this Legislature was elected to make decisions.

1620

They were elected to represent the interests of the people who voted for them. They were elected to keep the promises on which they campaigned. On this issue there is a lot of record as to the position of the Liberal Party of Ontario in the summer of 1987 that it would not change the existing legislation as it protected a common day of pause in Ontario.

I challenge those members of this Legislature who have presented petitions on behalf of their constituents to vote and represent the views of the people who have asked to be represented and to ensure that they take the responsibility which has been given to them and to me to vote on those matters which are within my jurisdiction.

As I stand totally opposed to Sunday shopping and Sunday working, I stand with pride with the Progressive Conservative Party of Ontario. I do not shirk my responsibility. I stand here and oppose this legislation as I oppose the motion for closure limiting the debate on this very important subject by the Liberal government of today.

**Mr. Breagh:** I am opposed to the motion and I am opposed to both bills. I want to take some time to comment—

**Mr. D. R. Cooke:** Look at the motion objectively. Forget the bills.

**Mr. Breagh:** I am looking at the motion objectively. I perhaps will take the interjection to heart and spend a little time on the motion per se.

It has been a while since we have seen a closure motion of any kind introduced in this

assembly, introduced by the previous government, whose hallmark near the latter part of its days was its arrogance.

It is a fundamental change in the nature in which Ontario is governed. The theory, of course, is that this chamber and the members here pass the laws in Ontario, that there is a fair amount of input in the process, that we believe in public hearings and we believe in amendments being brought forward by members on all sides, and that in the end that theoretical model will produce the best form of legislation we could find.

After you have been here for a while you really yearn severely, hoping that some day that will happen here, but it does not. You begin to understand how the political process overtakes the parliamentary process from time to time. The end result, when you have a government that is truly set in its ways and has a huge majority, is the kind of motion we have before us today.

In its politest form, one could call this a time allocation motion. In its real form it is called a closure motion or a guillotine motion. I was interested in the Speaker's ruling on the matter, when the validity of the motion was challenged. He went through in a very detailed way, trying to examine the parliamentary precedents for motions such as this.

Without discussing whether the ruling was correct, which would be improper, I do want to make some notes that you do not see motions of this nature introduced into anybody's legislative chamber until there is clearly something wrong with the process. No government in a parliamentary system wants to bring forward allocation motions of this kind which are in effect closure motions.

One of the reasons I oppose this motion is that I have always taken the point of view that if the government of the day wants to invoke closure there is very simply a procedure under our own standing orders which allows them to do so. The problem, of course, is that that invocation of a closure motion under our standing orders is pretty bald. It really begs the argument that if you want to move a closure motion, you had better be able to clearly substantiate that that particular matter has been under discussion here in this chamber for some period of time and of course, we are now debating a motion which in fact allocates time around a debate that has not yet begun.

That may be in order. That may be what this government wants to do. But in my view, that is clearly wrong. If you wanted to make the



argument that this debate has gone on for too long, at least you should let the debate start. That has not happened.

One of the reasons I dislike this format for a motion is very simply that it is closure under another name, and in fact I heard the government House leader the other day making the argument that this was simply a time allocation motion, as if we had all sat down, as the House leaders do every week, and decided, "Here is how we'll get the order of business done for today or for this week."

What has happened in this instance, of course, is that there has been a complete and total breakdown in the communication system among the political parties here.

There has been a problem in communicating. I think, in large measure, the government cannot say that its bills are misunderstood by everybody. It cannot take the position that, "Everybody else is out of step except our 94 members." It cannot take the position that the people of Ontario do not have a right to expect a government to perform as it said it would during an election campaign.

If the government members could stand in their places today and say, "We're doing now exactly what we promised during the election campaign," much of the sting would be out of us, as opposition members. Much of the anger and the fire would dissipate. But what angers us immensely is that they are now proposing to do in legislative form something that is exactly the opposite of what was promised during the election campaign. That, I think, gives us the right to extend this debate. It gives the people of Ontario the right to say, "It doesn't matter whether you got a majority the last time, there's something wrong here."

The rules of debate in this chamber kind of restrict my language a little bit in describing this, but in other quarters, when you do one thing that is precisely the opposite of what you said you were going to do, there is a range of words that is used commonly. They are not very parliamentary, but they are very specific and very effective and very true.

That is part of the difficulty that surrounds this debate. It is not just the matter of Sunday working. It is not just the matter of a broken political promise. It is the matter that a government went to the electorate and said it would do certain things and has since established a pattern of doing just exactly the opposite thing.

The people in Ontario have a right to question that; and the opposition parties in the chamber have not only a right to do that, we have an

obligation to do that and that is precisely what is happening here.

One of the things that I find frankly disturbing is that when this government first came into power, it came in under unusual circumstances in a minority.

**Mr. Ballinger:** Tell us how, Mike.

Interjections.

**Mr. Breaugh:** There seems to be some urging from the far left here.

**Mrs. Marland:** You regret that action now, don't you?

**Mr. Breaugh:** I regret a lot of things that have happened while I have been here, but that is not one of them.

For 42 years, one political party dominated the agenda in Ontario. Even among their own ranks, I think near the latter part of that reign, there was a begrudging admittance that things had just plain gone off the tracks, that a government had forgotten what a parliament is supposed to be about. It had forgotten about the democracy in which we live and the parliamentary functions which are part of this place. It had forgotten in large measure that a cabinet is not there to tell the remainder of the government caucus what to do. It is supposed to consult with its own. It is supposed to debate with its opposition.

Near the latter part of its stages, though, it did not use it very regularly. It became not an uncommon occurrence to see some kind of allocation motion, some kind of closure motion being brought forward by the government of the day.

On the opposition side, both parties, both the Liberals and the New Democrats, said, quite rightly: "That's a sign of arrogance. That's a sign that the democratic process"—

**Mr. Miller:** It is a sign of responsibility.

1630

**Mr. Breaugh:** This is interesting, because a government member has just said that what was once described as arrogance when he was an opposition member is now, when he becomes a government member, a sign of responsibility.

He is not the first government member on that side of the aisle who has said that. I was in this chamber when the Conservatives were the government and that was their line: the opposition was being irresponsible; the opposition should step right in line behind the cabinet, just as the government caucus is supposed to do.

Well, we are not going to, and we do not apologize. We are not going to succumb to any notion that somehow, just because the members

are licking the heels of the government, they are more progressive than anybody else in this chamber. They are not.

**Mr. Miller:** We are doing our function.

**Mr. Breagh:** The member has interjected that they are doing their function. I remember how he described that function when he was in opposition. I think it is unparliamentary to use that kind of term, so I will not.

Mr. Speaker, I am under fire here. I am under fire from the government majority, which thinks that all it has to do is howl and I will sit down. Well, I will not. If they want to see how long I will stand in opposition to something that I think is wrong, let them get out the Hansard.

There have been occasions when I admit that I spoke at some length about a matter that I thought was wrong. I recall the government of the day did not like it much better than the members did. But, to give the devil his due, I do recall this: The government of the day made me speak for a lengthy period of time before it started talking about time allocation. I believe that Thomas Wells, the government House leader of the day, showed me a little note where I had spoken for a little over nine hours before he introduced his allocation-of-time motion.

But he did not do that before the debate began. He at least made me do my job as an opposition member. He made me talk until I had most of what I had to say on the matter out on the public record and then he said, perhaps justifiably, "We think we have heard enough from the member for Oshawa for a while; we are going to organize the rest of the debate."

I had to admit at the time that at least I got on the record the things that were bothering me. I did not expect the government to like it, but then I am not here to say things that the government likes. I am not here to please the government. I am not here to feed the fish, so to speak.

The government backbenchers are here, I suppose, in their own way, and it is sometimes hard to describe around here what the role of the government backbenchers is. They supposedly vote correctly at the right time. They supposedly applaud the ministers as they go about their business. But it is rare and unusual to hear a member of the governing party who is not in the cabinet stand up and voice an opinion on anything. We see from time to time that they put forward motions saying what a wonderful job the Liberal government is doing, and I do not object to that; just do not ask me to vote for it.

This particular day, I think, is a sad day. I will not read into the record old speeches, by those

who are now in the cabinet, about what they thought of a government moving time allocation motions, closure motions and guillotine motions. I did not think they were particularly eloquent at the time, and so I will not bother to read them into the record again today. But the record is very clear that most members of this cabinet spoke very harshly about a government using time allocation motions, and quite rightly, because this is a tenuous process we are into here.

I suppose in large measure this is a very distinct difference between an American congressional system of governing and a British parliamentary system. In an American congressional system, if you have got the numbers, you got the votes; it is as simple and as brutal as that. A parliamentary system works on a little different principle; it says: "Eventually that may be true; but on the way to that decision the opposition parties do not have much in the way of tactics to thwart the government of the day, but they do have some tools. They are allowed to use their minds and their tongues for as long as they can mount the argument, so to speak, against whatever the government is doing." That is what is happening. The government of the day is expected in a number of ways to listen to what is being said by the opposition members. It is not anticipated—and it rarely happens—to give credit to the opposition parties; but it does have to listen to them. It is as simple as that. They do not have to like what they hear, but they do have an obligation to listen.

When they send a bill out to committee, one of the safeguards of a parliamentary system is that the public itself has an opportunity to come before a legislative committee and present its views. A government in a parliamentary system is expected to respond to those views, and this government has not done that.

In many ways, I suppose, there are those in this chamber this afternoon who would prefer an American congressional system: You have got the numbers, call the vote, end of the game. But that is not where we are, and part of the sadness that should be in this chamber this afternoon is that there are those in government today who should know better. The record certainly shows that they knew how to argue that this type of motion was clearly wrong.

It was wrong then and it is wrong now. It is wrong for this very basic reason: If the government is correct in its legislation, it really does not have to convince me as an opposition member of that; it has to convince the public out there. The



public out there says that these two bills and this government motion are wrong.

The opposition comes from the strangest of quarters. I have heard it said by some that really what this argument is all about is that a lot of people would like to shop on Sunday but nobody wants to work on Sunday. I suppose there is some measure of truth in that. As long as no one has to work, you could find some system whereby everybody could go shopping and nobody would be forced to work. No one would object to that. That is part of the argument, for sure.

It rather phenomenal, the number of people who stop me on the street in my community and want to know exactly what this is all about. Why is this government moving in this way? Merchants, who one might think at first blush would like to keep their stores open an extra day during the week, are very straightforward about the argument that it does not mean any more business to them. It is true they pay the rent for the seventh day, but they really are not going to do any more business. They know that, and they do not want to keep their stores open.

There are some people who get a little extra work on the weekend, but they would rather spend it with their families. For some in my community—I suppose like many others—there is a bit of the religious connotation about this, and I do not think we should shy away from that. Whatever their religion might be, they want some common pause day. They want some time to go to church and spend some time with their families. Not all of them do that in an organized, formal religious setting. They do that in their own way these days.

The bills contained in the motion are bills that are flawed, and the public in Ontario knows that. The people of Ontario have said that in as many ways as we can reasonably expect them to do so. They have said that before committees. They have said that to each and every one of us on the phone, in writing, through their organizations, through their unions, through their churches and through their municipalities.

In as many ways as they can say it they have said it, and the government of the day chooses not to hear them. This is wrong. It is as simple as that. The government should simply take a moment of its own time and say: "Is there anything in the history of parliamentary democracy which would forbid a government from ever going back into the government caucus and saying: 'We know what the government line was. We thought we had a good argument, but the argument is wrong, and the reason it's wrong

isn't that the opposition parties are opposing"—that's why we are here; that's hardly unusual—"it's wrong because the people of Ontario have told us it's wrong. These two ideas, these two bills and this allocation-of-time motion is the wrong way to proceed. Why don't we just back up for a moment and start again?"

As one who has been involved in this argument for quite a while now, I admit quite freely that any type of organizing of retail sales on weekends is a toughie. It is difficult in our society to find the one day on which the government would close everybody down.

The government certainly cannot do it on a religious basis any more in this province. It can do it, I think, from a labour legislation point of view; that is perhaps possible. It is difficult to do it, as we have seen with the previous legislation, in terms of the size of the shop or the number of employees who are in there. As quickly as the government writes the legislation, somebody out there will find a way to get around it.

I do not think we can deny that among the public, as straightforwardly as I can put it, there is a reasonable expectation that at least one day on a weekend belongs to them and that the government of Ontario should be inventive enough to write legislation which clearly satisfies that requirement in their minds, not in my mind.

#### 1640

As an opposition member I am here to pick holes, in the traditional way, in whatever the government has to say for today, and I anticipate that government members will listen with great pleasure to all the things I have to say and ignore quite a few of them. This would not be the first government that has done that. That is my role.

The more difficult one, and the more difficult challenge, is for this government now to respond to the people in Ontario, who have done some unusual things over these bills.

It is not every day that people get up in the pulpit and preach sermons about laws. That is pretty unusual. It is not every day in Ontario that church groups, labour groups and people in the business community all agree on something. That is kind of unusual. It is not every day in Ontario that it is as clearly focused on two particular pieces of legislation as it has been on these two bills.

This government would be wise to say: "Let the debate proceed. Let's find another way to do it." This government would have been wise if it had been mature enough during the committee process to accept amendments from wherever they came to see whether that would provide

legislation which meets the needs of the people of Ontario.

These two bills do not do that. By now, this government knows that.

The sadness in today's debate is very simply how quickly this government, with its huge majority, has run aground. It is not the first government with a big majority to do that.

Some of us have had the pleasure of talking to Frank McKenna in his jurisdiction, where there is no opposition member present; everybody is a member of one political party. Although I know some Liberals on the committee who visited with me a little while ago thought that perhaps would be the best of all worlds, he quickly set them straight that this is the worst of all worlds. It is an aberration of the parliamentary system and it causes all kinds of difficulty on the government side. In New Brunswick, they were not quite sure how they were going to proceed with this; they were into some interesting ideas about assigning responsibilities to particular members. The biggest single problem, of course, is credibility.

That is where this government is on the hook. This government is not short of members to win a vote. This government is not even—dare I say it?—short of bright people who could do a good job in a government.

**Mr. Laughren:** Name names.

**Mr. Breagh:** I will not name names, because it would embarrass the majority of the cabinet. I would not want to do that.

**Mr. D. R. Cooke:** Name one name. Please.

**Mr. Breagh:** Well, it certainly would not be my friend's. Does he want to interject some more? No.

What this government does lack, and it is perhaps to be expected, is simply maturity. This is not a government that has been in business for very long.

In the minority, what the government was going to do was clearly set out by an agreement. I do not regret that agreement. I do not like the results of it, but I do not regret the agreement per se, and I would say that a lot of good legislation was brought forward during that brief period.

What this government, on its own, is stumbling around with now is, who does it blame when it wants to do something? They cannot say, "We have an agreement and we must do that," and that is part of the problem.

Their basic agreement is not with us; their basic agreement is with the people of Ontario. Their problem very simply is that they are breaking their pledge to the people of the province. It is not me who is saying that; if it

were, they would have no problem. It is the people of Ontario who are saying that, and whether they have tested the government's mettle on the free trade agreement, Sunday shopping or a multitude of other things now, the problem is that what it is doing is at variance with what it said it wanted to do and they are beginning to recognize that.

That is why this motion we are debating this afternoon is catching some attention. It is not that the people of Ontario are really into procedural matters; they are not. They understand the difference between right and wrong. They have a reasonable expectation that if you are going to form the government, you tell them what you want to do and when you form a government, you will do that.

In the very simple, clear way in which politics works, for all of its being maligned, it has some good things about. People understand the basics. They might not understand a procedural motion that is before the assembly this afternoon, but they know this much, that something is wrong. Something that a government said it would do, it is not doing. It is not just two rather small opposition parties that are making that argument. It is being made in churches, on street corners, in union halls, in big stores, in little stores and in shopping centres all across Ontario.

The governments know it because, of all things, this government has developed—I give it credit—a good network for listening to what the people in Ontario want. It has used all of the public relations tools and public opinion polling tools that are available to a modern government. Twenty years ago, the government could probably have said it had guessed wrong or it could have denied that it had ever been wrong and assumed it was correct. These days, that is not possible any more. This government knows where the minds of the people of Ontario are on almost anything you can think of. They are polling to capture that public opinion, and they know that what they are attempting to do here is severely flawed.

This government should know because it is not old; complete senility has not set in yet. This is just some kind of early form of senility that has arrived here. This government knows that this type of time allocation motion right now is wrong. It is as inappropriate now as it ever was when the Tories introduced it. It is as wrong now for all the same reasons as they said it was wrong when the Tories tried to do it.

It is not the way that a parliament goes about its business. It is not the way to overcome opposi-



tion parties who are doing, after all, what they are here for. They are here to argue the case. I would put it very simply this way. If it were true that what the government wants to do is the greatest thing in the world, if it were true that all of the arguments had been put, if it were true that the opposition parties should not speak any further on these matters, then even this government, timid as it is, would have absolutely no qualms about moving a straight, flat-out closure motion on these bills because that is the purpose of a closure motion. That is why it is in our standing orders.

If the government honestly felt that the debate was over and everybody knew the debate was over, that is precisely what it would do. The government House leader would not hesitate for a moment then to stand up on his high horse and say: "That's enough. We are through with all of this. We are moving closure now."

**Hon. Mr. Conway:** Surely you know me better than that.

**An hon. member:** He's a nice fellow.

**Mr. Breaugh:** I did not say he was not a nice fellow. This has nothing to do with being a nice fellow.

That is the reason even the government House leader knows that what he is up to here is wrong, that he chose not to do that. He chose not to exercise the provision of the standing orders for closure because he knows that if it is put that boldly, he will appear to be wrong. When he did it, he chose to hide it rather neatly in the form of a time allocation motion.

In my view, he jumped the gun just a bit. He would have been a little bit smarter had he at least allowed the debate to get started before he moved this allocation motion. That would have been a little more appropriate, I think, because it is kind of hard to explain to the people out there how a debate is being stopped before it got started.

Interjection.

**Mr. Breaugh:** I know the members are anxious to do as the member for Kitchener suggests. I think it is the member for Kitchener. Is that it, Kitchener? Where is the member from?

**The Deputy Speaker:** Order, please.

**Mr. Breaugh:** I am trying to find out where he is from. He is not allowed to speak very often, so I do not recognize the member. I know he has something to say. I am sure that when I sit down and we go in rotation, he will get up and say it. At least I will wait with bated breath until he does that.

**An hon. member:** If you'll promise to hold your breath, that would be better.

**Mr. Breaugh:** I am being threatened now, Mr. Speaker. You are supposed to defend me.

1650

**Mr. Ballinger:** It is only the rump.

**Mr. Breaugh:** The member for Durham-York said it was only the rump. I take it from an expert. He knows about things like that.

The government House leader knows he is doing the wrong thing. He felt the need at the time he put this motion together to dress it up in such a way that it would be difficult to identify what he was doing. But he is doing today with this motion exactly what he has condemned so soundly on so many other occasions when the Tories did it, and he knows it. He knows because people are reading back old Hansards about what he and other of his colleagues had to say about this very same tactic.

**Hon. Mr. Conway:** In different circumstances.

**Mr. Breaugh:** Yes. The Liberals were not the government. That is the difference. The people of Ontario are beginning to pick up on that difference as well. The difference is about 20 feet. That is the difference and he knows it.

If the government House leader, his pulse sensing exactly what is going on in Ontario, had really had his parliamentary wits about him he would have had no hesitation in moving a closure motion. The reason he did not and the reason he has the time allocation motion in front of us now is to try as best he can to confuse things just a touch.

**Hon. Mr. Conway:** If I had done what you suggest, the screams from the other side would be positively deafening.

**The Acting Speaker (Mr. M. C. Ray):** Order, please.

**Mr. Breaugh:** The government House leader is chastising me for being too moderate in my response this afternoon. I really do not want to bite that particular bait. On other days perhaps I might, but not today.

**Hon. Mr. Conway:** Pretend I'm Bob Rae.

**Mr. Breaugh:** I tried. It does not work.

The motion in front of us is something I think this government will regret, as all governments do. I know the move is made now. In the first year of government, you make an attempt to do all the things you know are wrong, get all the screwups out of the way; in the second and third year, you try to sort things out a bit; and by the

third or fourth year, before you head into the next election, you get everybody all calmed down. The Treasurer, who was attacking everybody's pocketbook in his first year, by about the third or fourth year is trying to slip a dollar or two into everybody's pocketbook.

There is no real excitement to this process any more. Everybody in Ontario, everybody in the free world, understands that every parliament will be the same in that respect. In the first year, they do the stupid things; all the screwups are supposed to happen. Brian Mulroney in Ottawa seemed to lose track of which year it was and he kept it going for a while, but in the end he found out that if you have enough money in the kitty, if you can build them a prison whether they want it or not, whether they need a new road or not, people can be influenced just a little by what governments do in the latter part of their term.

We are all aware over here that this government will try its best. I think it is not a secret that this government right now would like to leave this place for a while. This government for the first time is experiencing a little shift in the polling results of how popular anybody is. I think this government—I do not expect any public acknowledgement of this—is beginning to understand too that there are some in the cabinet who really should not be there any more, and perhaps a little shuffle is in order, maybe a little break. Maybe we should just blow the whistle and call half-time for a while and go away and let them regroup a little.

**Mr. Wildman:** It's time for the Icky shuffle.

**Mr. Breaugh:** I cannot see the government House leader doing the Icky shuffle under any circumstances. There are others over there who could do that.

I think it is true that this government is entering its bad period. It certainly has stumbled on these two bills. It certainly has not done much credit to itself by introducing this time allocation motion which is being debated today. The government has clearly made some serious errors. That is being reflected in the population.

The poll I listen to is not the one I read in the newspapers or hear broadcast in the media. The poll that is important to most of the members here, the poll that is accurate, is what we hear on the ground in our own constituencies. That is the one that really makes a difference to us. It may match what all the polling services have provided as information, but it may not. In my community, as in every other community, I suspect, people are stopping the members as they enter the

grocery store and saying: "Why are they doing that? That is a little wrong, isn't it?"

I will bet there are Liberal backbench members who talk a pretty different line in their own community from what is the formal government line here. I think if I was pushed, I could probably come up with some government members who are not quite as consistently fervent about these two bills as some in the cabinet would be.

**Hon. Mr. Conway:** In my riding, they tell me that Environics isn't wrong, that the bottom isn't falling out of the NDP.

**Mr. Breaugh:** We have just had a report from Renfrew North that the New Democratic Party is rising in Renfrew, and I would not be surprised at that. With the government falling so quickly and so dramatically, something has to go up. In many ways, it is a see-saw.

I wanted to put this stuff on the record because I think it is important that the people who are important in this debate—not the government members and not the opposition members, but the people we are supposed to serve, the people in Ontario—have a right to be a little angry today. They have a right to say two or three pretty brutal things. One is, "We elected you because you said you were going to do this and you are doing something different." They have a right to say, "Why did you bother with public hearings when you really didn't want to hear what we had to say?" They have a right to be a little upset when they were invited to propose amendments to these two bills and the government decided: "We're sorry, we're just not going to listen to that. We know better than you do." And I think they have a right to be a little upset today at a motion that stops debate, in a formal sense, before it starts.

I guess from the government's point of view, its hope is that a time allocation motion is not a simple thing. It is easy to be a little confused about precisely what it means. It is a little difficult to figure out how you move a motion to stop a debate before it starts, but that is what is happening. The argument is then focused on a procedural matter, such as we are doing this afternoon.

There are not a whole lot of experts in parliamentary procedure in Ontario, but I think at the end of this process, whatever might happen, the government will look back on this debate as its first major false step. The first big mistake that this government has made was around the way it handled these two bills, not just about the content of the two bills themselves but the way in which it



displayed its arrogance at such an early date, not to the parliament, not to the opposition members, but to the people of Ontario.

The government's hope is, and I grant it this, that it may be a long time before there is another general election in Ontario, and by the time that rolls around, the people in Ontario will have forgotten about these two bills and this time allocation motion and be grateful that they got their cheques from the Treasurer.

I hope that does not happen on these bills. I hope that the people who are forced to go to work when they do not want to, on a day which is inappropriate to them, remember. I hope that the storekeepers who have to open up their shops when they do not want to because the owner of their shopping centre says "Everybody is going to be open this Sunday," remember. I hope the people who appeared before the parliamentary committees and gave their honest opinion in a straightforward way and were kind of turned down by this government remember.

I hope the sermons that were read in the pulpits last Sunday are read again before the next general election. I hope that all the trade union leaders who remember what their memberships are going to have to go through in all of this remember that before the next general election. One of the things that bother me a bit about the electoral process is simply that people often pay attention to their government when their government steps on them a little bit, as it is doing with these two bills, but in an unfortunate way, when the pain goes away, they forget who caused them the pain.

I hope that the opposition and all the leaders in our community remind the people of Ontario who caused the pain with these two bills, who broke the faith with the people of Ontario in the way the government proceeded with these two bills, who broke the faith with the people of Ontario in the way in which this government, which should know better, took this legislation through this chamber.

I believe that the bills are flawed. I believe that the process is flawed. I am taken aback somewhat by the fact that those who not very long ago gave very good and true speeches about why there should not be time allocation motions and closure motions introduced into this chamber, do not seem to remember that when they said those words they were right, and just because they are the government today does not make them correct. They may get away with it for a little while, but this is a government that is off the beaten track, that has gone wrong. It may need to

call half-time and it may need to go away and think about things for a little while, but in these two bills and in this motion this government is wrong and really should be ashamed of itself.

1700

**Mr. McLean:** I would like to take the opportunity just before I start to welcome Bonnie McNiven, a page here from the riding of Simcoe East, who was born in Oro township, where my ancestors, who came to Canada in 1832, were from. The McNivens and the McLeans were very close, within two miles of one another, back in 1831 and 1832. I want to thank the Speaker for picking Bonnie McNiven as a page.

With regard to the reasons why this bill and this motion of closure to limit debate on Sunday shopping should not go forward, I want to read into the record a statement that was made by the member for London Centre (Mr. Peterson) when he was the leader of the opposition party. It reads: "As my colleague pointed out, there were other options. That is why we cannot support this motion for closure, guillotine, phase closure, time allocation or whatever one wants to call it."

I remember very well sitting in the Legislature listening to the then Leader of the Opposition, who is now the Premier, saying that. He also said: "I have the right to pursue the most vigorous opposition that I can pursue, and the longer I am here the more I believe very strongly that the opposition is the only thing that stands between government and the sheer, naked use of power. It is the only check we have in the system, and I believe it is our responsibility to exercise it in as responsible a way as we can."

I would like to give some reasons why closure should not be brought forward. While I welcome every opportunity to debate the issues facing the people of Ontario, I must say that I have mixed feelings about this debate we are engaged in now. I have mixed feelings because I firmly believe that every member in this House should put the views of his constituents on the record. We are all here to represent our constituents, and their views and concerns should also come first, as far as I am concerned.

I have two reasons for approaching this debate with caution. First of all, no matter what is said here today and no matter how well presented our speeches against forcing this important matter into the jurisdiction of municipal politicians are, the government is still going to press ahead with what I consider to be some pretty poorly thought out legislation that will come back to haunt us all in the future.

My second reason for caution relates back to my opening comments in which I pointed out that we are all here solely to represent the views and concerns of our constituents. I plan to do just that, but I have serious doubts that this will not be the case with the majority of the Liberal backbenchers, many of whom we have not heard from when it comes to discussing Sunday shopping, and I doubt that we are going to hear from them now. The opposition to this legislation is overwhelming. That opposition is coming from all parts of Ontario and is not restricted to ridings represented by opposition members.

No one can tell me that there is no opposition to the legislation that will be brought in, in such ridings as London Centre, Simcoe Centre, Muskoka-Georgian Bay or Peterborough to name but a few. Will the members from those and other similar ridings vote against this legislation and make the views of their constituents known? I doubt it. Instead, the Premier has said, "Jump," and the members of his party have asked, "How high?" rather than voting freely on a matter that has overwhelming opposition throughout this province, opposition from Progressive Conservative ridings, opposition from New Democratic ridings and yes, even opposition from Liberal ridings.

The Premier has given his party its marching orders. The government should show some leadership and indicate that it is listening to the people by strengthening the existing Retail Business Holidays Act rather than dumping the issue into the laps of municipal politicians. The members on the government side of this House could show some courage, creativity and compassion by voting Sunday shopping legislation down. They certainly owe that much to their constituents back home.

As the member for Simcoe East, I have a duty and an obligation to make the views of my constituents known to the government. I have done that with respect to Sunday shopping in the past, and I am going to do it again today. I would be remiss in my duty and obligation if I did not speak on behalf of the people of Simcoe East on such an important issue, which will have detrimental effects on every man, woman and child in my riding.

There has been widespread outrage and objection to Sunday shopping since this matter was first brought to us. That outrage and objection has come from all corners of this province, including retailers, members of the public, labour groups, religious organizations

and most notably from a large majority of municipalities.

As members may recall, I sent out a questionnaire concerning the Sunday shopping issue and received more than 800 responses, with the following results—and this is the reason we should not be getting into the debate on Bill 113—83 per cent were not in favour of Sunday shopping; 68 per cent indicated the current system for designating which stores can open on Sunday is about right; 74 per cent suggested that Sunday shopping would increase pressures on families, especially single-parent families; 74 per cent indicated that Sunday shopping would not increase business or employment; and 75 per cent said they would not be willing to work on Sunday.

This sensitive and somewhat controversial legislation has been debated for approximately two years. It has been debated in this House, it has been debated before the standing committee on administration of justice and it has been debated through the stacks of letters and petitions which I am certain every member receives at his or her constituency and Queen's Park offices.

The government chose not to listen as one member after another rose in this House to point out the faults with Bills 113 and 114. The government chose to ignore the groups and individuals who spoke against this legislation at the justice committee hearings. The government chose to turn a deaf ear to the many working men and women in Ontario who do not need to shop on Sunday and who do not want to work on Sunday. By choosing to ignore such overwhelming opposition from so many groups and individuals, the government is sending out a clear message that it is abdicating its leadership and responsibilities.

The government is abdicating its responsibility for Sunday shopping by passing the buck and dumping the issue into the laps of the municipal politicians. That is what the government is doing with the waste management crisis and the shortage of affordable housing. Our municipalities are becoming dumping grounds whenever the government is confronted with an issue it chooses not to deal with. The government should be assisting our municipalities to solve these and other pressing issues. Instead, the government chooses to take a hurry-up-and-wait attitude by dumping these matters on our municipalities. That is not acceptable and it is certainly no way to govern a province.

I would like to take this opportunity to restate my opposition to this Sunday shopping legisla-



tion. I would also like to make it clear that my opposition is also based on the many letters, petitions and talks I have had with the people of Simcoe East. You can be certain that what I have come to say comes from me and from the people I represent.

1710

I fear that Sunday shopping will impair, if not destroy, the quality of life we have all come to enjoy and expect in this province. I am referring to the quality of life for many families in Ontario, which will be destroyed if one or both parents must work on the traditional day of pause. It will be especially demanding and difficult for single-parent families, of which more than one half are women who work in the retail sector. These single parents will lose the only day they have to be with their children and will be faced with obtaining scarce day care services. They will have to dig into their pockets to pay for day care services, if they are lucky enough to find any.

This is a disturbing situation, because it will further weaken the fabric and quality of family life and could lead to potentially dangerous situations for children who cannot be watched by their working parents and for whom there are no available day care services. This could lead to a growing number of so-called latchkey children, in what is by no means a healthy learning or living atmosphere for our children.

The social fabric of healthy communities depends on more than just buying and selling commodities. People are more than simply economic entities and their needs are more complex than this government appears to understand. By introducing the Sunday shopping legislation, the government thinks it can assume that family values, personal friendships and our quality of life have a price. I say that price is too high, if it means dumping the Sunday shopping issue on to our municipal governments.

It is completely unreasonable for this government to think this way and it is completely unreasonable and unfair for the government to assume that a worker's refusal of overtime pay to be with a spouse or child represents an unreasonable attitude towards the work ethic.

This government's legislation denies workable protection for retail employees who want and need to spend quality time with their families. Ontario's retail workers will soon have their freedom of choice wiped out when this legislation is passed.

The government chooses to focus all attention on the so-called local option. When it talks about Sunday shopping, as far as I am concerned, the

phrase "local option" is a fallacy, because the Retail Business Holidays Amendment Act, Bill 113, will defeat any attempt by a municipality to stay closed on Sundays. If there were truly an option, communities would have the power to resist the pressure to change a local option. It implies the ability to opt in or opt out, to choose between a law as written in Bill 113 or a municipality writing an entirely new law for itself.

Bill 113 does not provide the choice. Instead, it allows municipalities to amend various aspects of a law constantly. The reason I am talking about Bill 113 is that this motion before us is trying to stop any debate from taking place on it. I want to give the honourable members the reasons why I believe that it should be stopped.

There are many other reasons why Bill 113 should not be debated. The Premier today, when he was in opposition some time ago, indicated with regard to closure motions: "Speaking for myself and for our party, I say that part of our responsibility in pursuing what I hope to be a vigorous opposition is that we want to amend the bill and make it better. We regret very much that we have been precluded by certain kinds of behaviour from having that kind of discussion."

We are concerned too, and I want to conclude my remarks by saying that this closure motion is unacceptable. We do not feel it is in the best interests of this Legislature and we strongly oppose it.

**Mr. Laughren:** It was not my intention to speak in this debate this afternoon, but I was provoked by the member for Oxford (Mr. Tatham), just by the fact that he sat down across from me. I do want to very briefly engage in the debate this afternoon, partly because of the issue the government's notice of motion deals with, namely, the whole question of shopping on what is generally regarded as a day of rest in Ontario.

I think most of us have an appreciation for that day-of-rest concept. As a matter of fact, when my colleague the member for Cambridge (Mr. Farnan) suggested that the Legislative Assembly sit on Sundays, there were hoots of derision and disbelief from members in the chamber. Indeed, people out there in society did not really take it very seriously; certainly members of the assembly did not take it very seriously.

**Mr. Fleet:** It's just the member we don't take very seriously.

**Mr. Laughren:** That is not a fact. The member for Cambridge was doing something very useful. He was showing that there is a set of rules for one group of people in our world and

another set for the people in this chamber. It is factual that when he suggested we sit on Sundays people thought: "Oh, that's silly. Why would he suggest we sit on Sundays?"

However, this government is quite prepared to say that other people will work on Sundays. Members of the government would be appalled at the idea of coming in here and working on Sundays, even if their constituents decided in a form of local option that they should be here. They would be opposed to that.

I would ask any of them to put in their next constituency newsletter a questionnaire that includes the question: "Do you think that since retail workers are being asked to work on Sundays, given local option, members should be asked to do the same thing?" I bet they will get a surprising response from their constituents.

Interjections.

**Mr. Laughren:** I am just issuing a challenge to members of the government to do that. I see nothing wrong with—

**The Deputy Speaker:** Order, please.

**Mr. Miller:** They'll say no.

**Mr. Laughren:** If the member believes they will say no, he should go ahead and put it in his newsletter. Go ahead.

I hear members of the government saying, "Oh, our constituents wouldn't want us to work Sundays." I am not too sure that is the case. If government members feel as strongly as they do that there should be a local option on whether people work on Sunday, they should give that same option to their own constituents. I see nothing contradictory or illogical in that argument.

I will await with a great deal of interest the next outpouring of Liberal newsletters across the province and see how many of them include a questionnaire that asks constituents whether they think MPPs should sit down here at the seat of power in Ontario and carry on debates on Sundays.

**Mr. Miller:** It will put the power back where it belongs.

**Mr. Laughren:** The government member is interjecting that this bill will put power back where it belongs at the community level. If they accept that argument for retail stores and other places of business, why will they not accept that same argument and give to their constituents the right to determine whether they as MPPs sit on Sundays as well? I am just trying to make them be consistent as they deal with the whole question of Sunday working.

It needs to be stated that what we are talking about here are two bills, one which gives the local option on Sunday shopping and the other which deals with the whole question of the right of workers to say they do not want to work on Sundays. We know, of course, that once the employer decides they should work on Sunday, that very vulnerable workforce out there that works in the retail sector will end up working on Sunday if their employer decides that indeed they should work on Sunday.

It is not just the small retailer. This past week I was strolling through the large shopping centre in downtown Sudbury.

**Mr. Haggerty:** You were shopping on a Sunday?

**Mr. Laughren:** No. On Saturday I was in the large shopping centre in Sudbury. That is not my constituency, of course, and it is not often that I encroach on the territory represented by my colleague the member for Sudbury (Mr. Campbell). I was surprised how many retailers—it is an open concept kind of mall—waved to me as I was walking by or came out and said to me, "What is the latest on the Sunday shopping issue?" Of course, I had to tell them that not only was the government intending to bring it in, but the government was now ramming it down our throats, and by transference ramming it down their throats as well.

1720

**Hon. Mr. Conway:** Did you smile when you said that?

**Mr. Laughren:** No, I did not smile when I said that, because without exception, the retailers who stopped and spoke to me in that mall were opposed to Sunday shopping. However, I want to tell you, Mr. Speaker, that the owner of that mall is very much in favour of Sunday shopping, I suspect: one Robert Campeau, whose company owns the Sudbury Mall.

**Mr. Campbell:** Did you also tell them that Sudbury already passed a no-shopping bylaw last February? Did you tell them that?

Interjections.

**The Deputy Speaker:** Order, please, all members of all parties.

**Mr. Laughren:** I am making a serious attempt not to be provocative, but I really must say, now that the member for Sudbury has interjected, that his name was mentioned in dispatches several times on Saturday afternoon. I would not want to repeat in this chamber what they said, because I believe in the parliamentary language that must be used in here all the time.



Interjections.

**Hon. Mr. Conway:** Was George Samis's name mentioned?

**Mr. Laughren:** Yes, as a matter of fact, several people mentioned George Samis and thought that it was a very good thing that he is at the Ontario Highway Transport Board now. Yes, Mr. Samis's name was mentioned on several occasions.

I must say, though, that it is with a certain degree of unseemly haste that the government is doing what it is doing with this closure motion. I think that it would be good to remind members just how tight a schedule the government is imposing on us in this debate. This is what they are saying—and I mentioned earlier that there are two bills here, one dealing with labour and one dealing with actual Sunday shopping.

The motion says that "...not more than one sessional day shall be allocated to this order and at 5:45 p.m. on that day, the Speaker shall put every question necessary to dispose of this order." That is calling for the adoption of the committee report.

One sessional day really means, for people who do not understand the hours around this place, from the end of question period until 6 p.m. Question period usually ends somewhere between three and four o'clock, so that means about two and a half to three hours of debate on that very important motion from the committee.

The government motion to restrict debate goes on to say: "And that notwithstanding standing order 66(c), there shall be two sessional days allocated to the consideration of Bill 113, An Act to amend the Retail Business Holidays Act, and Bill 114, An Act to amend the Employment Standards Act, together in the committee of the whole House."

This means that for those two bills combined, there shall be two days of debate in the chamber itself on the clause-by-clause portion of the process around this place—two days on two bills—so roughly between five and six hours to debate every clause of each of those bills and any amendments—

**Hon. Mr. Conway:** After nine months of other debate.

**Mr. Laughren:** After debate in the committee. That is correct. But I should point out to the House leader that the majority of members in this assembly were not on that committee and serve on other committees. It is very difficult for members of the chamber to serve on a number of committees, let alone to go to one all the time.

**Hon. Mr. Conway:** But what does Ed Philip represent, and Mike Farnan?

**Mr. Laughren:** The member for Etobicoke-Rexdale (Mr. Philip) does not represent the constituents in Nickel Belt, not to mention the constituents in Renfrew North; and I know that the people in Renfrew North regret that very much.

That means two days on two bills to deal with all the clauses, plus any amendments that might be put by members of the assembly, and there might even be some Liberal backbenchers who want to make some amendments. One never knows.

"At 5:45 p.m. on the second of these sessional days, the Chairman shall put all questions necessary to dispose of every section of both bills not yet passed as well as the titles and shall report both bills forthwith to the House, and that the question for the adoption of the report of the committee of the whole House on both bills shall be put forthwith and decided without amendment or debate."

That is a closure motion. That concludes the clause-by-clause debate of the bill. There is still third reading to go, but they have given two days for clause-by-clause and amendments.

"Further, that there shall be one sessional day allocated for the consideration of Bill 113, An Act to amend the Retail Business Holidays Act, and Bill 114, An Act to amend the Employment Standards Act, together at the third reading stage and that on that sessional day the Speaker shall interrupt the proceedings at 5:45 p.m. and put all questions necessary to dispose of the order for third reading of the two bills."

If that is not closure, I do not know what is.

**Hon. Mr. Conway:** You read the standing orders.

**Mr. Laughren:** That is closure. It is severely restricting debate. The government House leader and the Liberal members can dress it up with any kind of language they want. That is a restriction of debate in this assembly on two very important bills. How can they say it is not closure?

**Mr. D. S. Cooke:** Sean, what did you call it on Bill 127 in 1983?

**Hon. Mr. Conway:** I am not denying it is closure.

**Mr. D. S. Cooke:** I remember what Tom Wells said. The thing is, you have all your government backbenchers convinced you're right.

**The Deputy Speaker:** Order, please, the member for Windsor-Riverside and the govern-

ment House leader. If members have some opinions to express, they may do so one after another, as the standing orders call for.

**Mr. Laughren:** The government members do make it difficult to carry on a reasoned debate in this place.

I think there is an agreement that there is a severe restriction on debate in this assembly. There was prolonged debate in the standing committee with these two bills. We are talking now about debate in this assembly where all members can be present and engage in the debate. There is surely a difference between committee debate and hearings and debate in this assembly, where amendments can be put and each clause can be debated. There is no question about that. What needs to be answered is why the government is so anxious to proceed so quickly.

**Mr. Fleet:** So quickly? It's been nine months. It's like producing a baby.

**Mr. Laughren:** Do I need to go through the time restrictions again? Two days for clause-by-clause and amendments; 130 members in this assembly, most of whom, I suspect, would like to engage in debate on this very important matter, and the government restricts it to a two-day, five-to six-hour debate. How do we spread that among 130 members?

**Mr. Fleet:** Oh well, we're really enthused.

Interjection.

**The Deputy Speaker:** Order, the government House leader and the member for High Park-Swansea.

**Mr. Laughren:** It is certainly not the small business community out there that wants any kind of speed in this place on these two bills. The small business community is not clamouring for it and the labour movement is not clamouring for it. They are opposed to it. The opposition is not clamouring for it. We are opposed to it.

So one might ask who is so anxious to get this bill through. The name that comes to mind immediately is the name I talked about, the good friend of the member for Sudbury, Robert Campeau, Cadillac Fairview. That is who wants this bill. It is not the labour movement. It is not the small business community. It is not the politicians in this province. It is very big capital that wants this bill.

Even if there was a substantial constituency out there that wanted these two bills passed, one might ask why that would mean that the government would comply with that request. Why would they knuckle under? Why would they say, "Yes, we agree, there has to be a great

deal of speed attached to the passage of these bills"? I think it is very simply, and my House leader pointed it out just—

**Mr. D. S. Cooke:** Yesterday. It seems like a long time ago.

1730

**Mr. Laughren:** Just yesterday. It does seem like longer.

The real motive for the government is to get these bills out of the way, get the assembly shut down for a couple of months and let the political heat cool off a bit because the government has not been doing very well this past session.

Every time there are questions on health care, we get very inadequate answers. On the whole question of education, the Minister of Education (Mr. Ward) has been unable to respond to demands out there. I was just in my constituency on Friday. In talking to one of the school boards there, I learned 43 per cent of the students are in temporary accommodation.

I am not saying this is a legacy from the former Minister of Education who is presently the House leader, but I tell members it is a problem that this government simply is not dealing with. The member for Sudbury knows that problem. I am surprised he is not on his feet demanding—

**The Deputy Speaker:** Is this related to government motion 20?

**Mr. Laughren:** Yes, because it is those kinds of reasons that really lie behind this closure motion, which the government does not like to call closure; it likes to call it time allocation. Perhaps that means something to the parliamentary purists, but to people out there in Ontario, when the government restricts debate, that is closure. I think—

**Mr. D. S. Cooke:** Closure in the rules just allocates no time.

**Mr. Laughren:** That is right; exactly.

**Hon. Mr. Conway:** How did Gaston Demers lose?

**Mr. Laughren:** That is a very mean question the House leader is asking me. I have no idea why my predecessor lost and I won.

I do hope the government understands why the opposition is angry about this closure motion. We feel very strongly that this is an issue people out there, at the very best, have mixed feelings about. If there were a poll done in Ontario now, I really believe it would show Sunday shopping is not something that is at the top of people's priority list, to put it as gently as I can to the government House leader.



I say to myself, why is the government prepared to take all this heat on Sunday shopping when it does not need to, when indeed it promised many moons ago that it had no intention of bringing in these bills on Sunday shopping?

I remember the statements by the Premier. I remember the statements by the Solicitor General that to give the local option for Sunday shopping would be the "chicken way out." Was that the language that was used? I am not sure that is parliamentary, but the government really is a bunch of chickens when it says: "We aren't prepared to bring in legislation that will restrict shopping on a pause day. We are going to make sure that responsibility is passed back to the local municipality."

I think the government is getting carried away with this whole question of local option. I was reading Orders and Notices for Thursday and there is even a resolution before us dealing with the Constitution that would make the "notwithstanding" clause a local option.

I ask the government, how far is it willing to go with this question of local option, when it will make the "notwithstanding" clause in the Constitution a local option? I am using local option in a broad sense, namely, provincial option, but that is really what it says. I really find it strange for someone who is seriously considering supporting that resolution. I do not like the "notwithstanding" clause either, but when I read it more carefully and saw that it really was local option by the back door, I started to reassess my position, on that particular resolution at least.

I hope the government understands what it is doing here. I could quote from the present government House leader. I do not know whether he has been quoted before on this particular matter.

On December 8, 1982, when he was not lonely at the top, he was talking about a Conservative government closure motion. He stated, and I quote from Hansard, December 8, 1982:

"Notwithstanding what some in the government may feel, I think we threaten to poison this parliamentary well if we proceed in this debate by writing into our rule book this kind of time allocation. It may be that we need some kind of structured time allocation. My views on that are fairly positive; I personally think we should have, but I absolutely caution members on all sides to draw away from so important and new a departure as that at this time. That is not the way and this is not the time to write into our rule book this kind of very new departure."

This particular allocation is unusual in that it includes two bills.

**Hon. Mr. Conway:** But it is structured.

**Mr. Laughren:** It is very structured; that is right. There is an element of consistency with what the House leader said in 1982. He has structured this closure motion, which he prefers to call time allocation. But bringing in a closure motion dealing with two pieces of legislation is unsettling.

**Hon. Mr. Conway:** Mike, Floyd would make a poor Catholic.

**Mr. Laughren:** Mr. Speaker, the heckling is getting hard to deal with.

I think, given the nature of the debate we have had, that it would be unseemly to read more into this than is there. However, if one wanted to carry this argument on the closure motion to its logical extent, one could make the argument that once you have put two bills into a closure motion, you could put as many as you want into a closure motion.

**Hon. Mr. Conway:** That is *reductio ad absurdum*.

**Mr. Laughren:** The House leader says, to use the language of Shining Tree, that is a ridiculous conclusion to draw from his actions, but I want to tell members that it is not a ridiculous assumption. If the government can put two bills in a time allocation motion and say, "This is the limit on the debate for these two bills," let the government tell me why it could not say it is three bills, four bills, five bills, six bills—

**Mr. Wildman:** Whatever is on the order paper.

**Mr. Laughren:** —or whatever is on the order paper, if the government felt particularly pressed and wanted to get on with some other business that suited its own agenda.

It is not ridiculous to say the government could expand it once it has gone from one bill to two. It is then very easy the next time to make it three bills in a closure motion, and then four. I really feel very strongly that if the government had come in with one bill and said, "We are going to deal with this as a closure motion," it would have been saying to us, "We still regard the principle of closure as being offensive to the parliamentary system." They would still have been giving us that message.

But when they lump two bills together, one dealing with employment standards and the other dealing with hours of work in the retail sector in particular, then I think they are sending out a signal that they are not as concerned as most of us

and do not regard the whole question of closure as being as offensive to the parliamentary process as most of us do.

It really is possible, once we have taken this step, which will be used as a precedent in arguments that will be made in the future, to say that more than two can be included in the package.

**Mr. D. R. Cooke:** If we split it up?

**Mr. Laughren:** If these were two separate closure motions, no, I would not vote for the closure motion; I am not suggesting that for one moment. But I think it would be much more respectful of the process, of the way of doing it than the way the government is doing it, simply for convenience sake saying, "We want restricted debate on both of these bills, so let's lump them together all in one."

I say to the government House leader, why did he not include the rest of the bills on the order paper? If he wants to get out of here, if he does not want to be here day after day answering questions from the opposition in question period, then why did he not include them all? It is the same principle.

**Hon. Mr. Conway:** Because that would be patently unreasonable.

**Mr. Laughren:** We would say this is patently unreasonable, but if the government had brought in one bill and had brought in its allocation of time on one bill, we would not have been able to make the argument that it was being unreasonable in terms of one bill at a time.

**Hon. Mr. Conway:** But you would have tried.

**Mr. Polsinelli:** You would have found another one.

**Mr. Laughren:** Well, it is a fact. The government shows a contempt for the process when it lumps two bills together and says there is closure on both these bills.

**Hon. Mr. Conway:** Fantasy.

1740

**Mr. Laughren:** Fantasy be darned. This is reality. When I start fantasizing, it will not be about closure motions.

It really is offensive to have the government do this. I would at least have had respect for their intention to get on with the debate, as they saw it, if they had brought in one time allocation motion, dealt with it and then moved on to the next one. That way it is not an abuse of the process the way this is when you lump two of them together.

**Hon. Mr. Conway:** Fiction.

**Mr. Laughren:** It is not fictional. The member for Renfrew North seems to want to dismiss any arguments that point out the danger of putting two bills in one time allocation motion. The two bills are not amending the same act.

**Mr. D. S. Cooke:** They are not even the same minister.

**Mr. Laughren:** Right. They are not even the same minister. Can he tell me what would possibly prevent, what would be different in principle from including any number of bills in this closure motion, more than the two that are already there? There is nothing different in principle. The government finds itself walking down that road of abuse of power very easily, after only a year and a couple of months of having that power.

I think that the government House leader, and he will not like this, follows that adage of Ronald Reagan, who said that, "The worst abuse of power is to have it and not use it." That was what the Republicans in the United States thought during the last eight years. Now we have the government House leader saying: "By golly, we have the power. Let's use it. Let's bring in the time allocation motion and use it on the two bills, put the two bills together in the time allocation motion."

I will conclude my remarks, but I do feel very strongly that where the government made its big error was in making the closure motion so tight on time—two days, two bills, all amendments, all clause-by-clause debate—and by including the two bills in one closure motion. I think that was a fundamental error.

**Mr. D. S. Cooke:** They want out of here before the insurance rates come in.

**Mr. Laughren:** Yes. Our House leader just pointed out that we believe that the Ontario Automobile Insurance Board is going to come in with a decision on automobile rates in the province around the middle of February, give or take a few days.

**Hon. Mr. Conway:** But we're here until the work is done.

**Mr. Laughren:** If the government members are not in such a hurry to get out of here, why are we dealing with a closure motion on two important bills? It is a fact that the one thing this government fears is that it will still be sitting here when the automobile insurance rates come down. Despite what the Premier promised, that he had a specific plan to lower automobile insurance rates, they are going to go up, perhaps substan-



tially. The last thing the government wants is to be sitting here under a barrage of opposition questions when that decision comes down on insurance rates.

There is no question in our minds that is what really lies behind this closure motion. It really does not have as much to do with the Sunday shopping issue as it does with the government's own agenda and its fear of facing the opposition when those automobile insurance rates come down.

We see them over there. We see that furtive look that now crosses the face of the Chairman of the Management Board of Cabinet (Mr. Elston) every time my leader stands up or the member for Welland-Thorold (Mr. Kormos) stands up and asks a question about automobile insurance rates. We can see how uncomfortable the government gets every time it is reminded of what the Premier said about his plans for automobile insurance rates.

This allocation motion, first of all, would not be as tight on time as it is, two days for two bills, and it would not include both bills in one motion if they were not afraid of what is coming up with the automobile insurance rates. There is nothing fanciful about that. That is exactly what is going to happen.

I do not know how the members go back to their constituencies and say, "Yes, the Premier did say he had a specific plan to lower insurance rates, but you know, things have changed now." What has changed besides an election—

**Mr. D. S. Cooke:** A majority.

**Mr. Laughren:** —an election that gave them a majority? How do they go back to their constituents and say that: (a) "The Premier was only kidding when he said that he had a specific plan;" or (b) "He did have a plan, but he lost it; he does not have one now;" or (c) "He did not say that; he was misquoted"—that is a bit hard to do when there are so many examples of it. Or perhaps they will say, "I cannot really answer for the Premier because I agree with you that the insurance rates are too high."

I can hear the government members now. They will be skating like whirling dervishes out there as their constituents tackle them on the auto insurance rate increases. Whirling dervishes, that is how they will be skating.

I do not envy the government members. I do not envy the member for Sudbury when he has to answer his constituents' questions as to why their insurance rates are going up anywhere from 15 per cent to 40 per cent. I do not know what rate it

will be. We do not know yet, but we know they will be going up, and we know—

**Hon. Mr. Conway:** Do not go advertising your ignorance. You do not know.

**Mr. Laughren:** No one knows.

**Mr. D. S. Cooke:** They are already up now.

**Hon. Mr. Conway:** No one knows. Exactly.

**Mr. Wildman:** You said you had a plan.

**Mr. D. S. Cooke:** You had a plan to lower them and they are already up nine per cent.

**Mr. Laughren:** I do not hear anybody saying that they are going down. Everyone knows they are not going down. Is that agreed? Do the members opposite agree that the automobile insurance rates are not going down? General agreement, general agreement. I want to say—

**Hon. Mr. Conway:** We do not know.

**Mr. D. S. Cooke:** They went up nine last year. They went up nine per cent during the Liberal freeze.

**Miss Martel:** Some freeze.

**Mr. Laughren:** I am just saying that the debate goes on about automobile insurance rates, except that there is one part of the debate that is missing, and that is whether or not the rates are going to go down. I have not heard anybody talking about that. I think Liberal members should be outraged that we are not engaging in a debate as to how much they are going to go down, given the promise of the Premier of a year and a half ago that rates were going to actually drop.

I think Liberal members should scream foul about that. The press is not covering that. There is no speculation about how much rates are going to go down. I want to say that during this debate several of our members have pointed out the fact that we suspect an agenda on the part of the Liberals to get out of this place, to shut the place down and let the committees work, so that when we get to the new automobile insurance rates the House will not be in session.

I would have been much kinder to the government this afternoon in my comments if the Solicitor General had been here and had taken part in the debate, and if the Minister of Labour (Mr. Sorbara) had been here and taken part in the debate. These are their bills. As a matter of fact, the Premier, in view of his promises, should have been here as well dealing with the—

**Hon. Mr. Conway:** It is my motion.

**Mr. Laughren:** It is the House leader's motion, but they are not his bills.

**Hon. Mr. Conway:** Collective government.

**Mr. Fleet:** The debate is supposed to be on the motion.

**Mr. D. S. Cooke:** And the motion has something to do with the bills.

**Mr. Wildman:** We are speaking to the motion. We are opposed to you doing what you are doing, and we are telling you so.

**Hon. Mr. Conway:** That is why we are doing what we are doing.

**Mr. Laughren:** It is bad enough that the government is trying to stifle debate with this closure motion without heckling and shouting me down as I am trying to make a reasoned debate here this afternoon.

I will conclude my remarks, but I regret very much that the government has brought in this closure motion, which will restrict debate on Sunday shopping in Ontario.

**Mr. Cousens:** Great concern is being raised by many of us in the Legislature, and I am just surprised that there have not been any of the Liberal backbenchers here to stand and to speak against the devices—

**Hon. Mr. Conway:** Where are your colleagues at the moment?

**Mr. Cousens:** I just have to say that obviously, the power of the House leader is total. He has those backbenchers totally cowed. They are afraid to speak up. They are intimidated, and I think this is really a shame. He has been elected. He has such control of this Legislature, but he also, as House leader, has tremendous control over all these other members. I am surprised; I thought that he was a far weaker person than that. I did not think he had that kind of strength.

There are a number of questions I would like to raise. The first one is that I wonder why the government did not bring this motion of closure a long time ago, because it could have done this back last spring, in June, before it went off to the committee and there was going to be some public discussion on these two very important bills that will affect the lifestyle and family life in Ontario.

**1750**

It would have been the time for this government to say: "We presented these bills in April. We've had time to discuss them. We've put up with the little filibusters the opposition came out with, and now we are going to proceed."

But the good old Premier led us to believe that there would be some kind of consultation which would take place during the summer months, that during that process there would be an opportunity

for people to be heard, and not only through their petitions. There have been over 100,000 petitions submitted to this Legislature and there have been hundreds upon hundreds of people who have made their views known through association leaders in presentations to the committee, saying, "We're tremendously interested in the government reviewing its thinking and reversing its direction in opening up Sundays as it is going to through Bills 113 and 114."

The fact of the matter is that this government has just shoved aside all that public concern. Why did they not shove it aside a year ago? Why did they not just disregard them from the beginning? That is what happened.

**Mr. Fleet:** We haven't shoved anything aside. We just want to get on with the business. We've been reasonable the whole time. You know that.

**Mr. Cousens:** Would the member for High Park-Swansea shut up?

Interjections.

**The Acting Speaker:** Order, please. The member for Markham does in fact have the floor and would like to address the assembly uninterrupted. I hope the government members will restrain themselves and allow him to address the assembly.

**Mr. Cousens:** I hope that the next time the member for High Park-Swansea interrupts, Mr. Speaker, you will have him removed. We would be pleased to call some undertaker to take him out, because he seems to come to life only when we have something to say.

Why, then, did this government not bring closure in a lot sooner? They built up the expectations of the people of Ontario that they were going to do something—

Interjections.

**The Acting Speaker:** The member is indicating by his position that he would like the floor. Could honourable members please allow him to speak?

**Mr. Cousens:** Thank you, Mr. Speaker. I will not try to speak over the loud voice and the big sounds that are coming from the member for High Park-Swansea.

**Mr. Morin-Strom:** A big wind.

**Mr. Cousens:** Someone from the NDP says "A big wind." I would not want to be as upsetting, but it is rather obnoxious. If he has something to say, stand up and say it. He should not be so controlled by his House leader.

Why did the government not bring closure in sooner? The point I am making is that what the



Premier has done and what this government has done is to suggest that there would be a public process in which the public at large would have a chance to react to these bills. By allowing the bills to go out to committee, they built up those expectations that changes would be made. Nothing has really happened. It has been a virtual waste of their time to try to come along and express those views.

I am receiving letters now from the People for Sunday Association of Canada, the Council of Christian Reformed Churches in Canada, the Coalition Against Open Sunday Shopping and many other groups saying: "Please fight for us. We're glad you're there doing something." They are thrilled there is going to be an open, free vote and that it will give a chance for the members of the government to go onside and support their constituents in the way they have been asked to support them rather than go according to the way the House leader and the Premier are going.

My point is, why not bring closure in a lot sooner? It would have saved an awful lot of time for an awful lot of people who thought they would be listened to, who thought there was a chance with this government, which started out saying, "We're going to be open; we're going to be willing to listen to the people of Ontario." They have not had that chance.

**Mr. Fleet:** We've been too patient. We've been too reasonable.

**Mr. Cousens:** Where is this open, consultative government?

**Mr. Fleet:** There were 60 days of sessions.

**Mr. Cousens:** I have to take great exception, Mr. Speaker, if you are going to allow the member for High Park-Swansea to continue to interrupt what I have to say in this Legislature. I feel that my rights are being abused and unless you are going to act, I want to challenge the Speaker.

**The Acting Speaker:** I will ask once again that the member for High Park-Swansea (Mr. Fleet) please restrain himself so that we may hear the member for Markham.

**Mr. Cousens:** Should it happen again, I will challenge the Speaker if he is not going to take any action on this member.

I think there will be surprising support for this one. I think that people at large, the people in Ontario, have really only got those of us from our caucus and those in the New Democratic Party who are trying to do something on a very important issue, and the fact of the matter is that we are going to be stymied. There will be no

further debate. The government is saying "End of discussion," yet it gave everyone the whole good idea this past year that there would be an opportunity for people to react in a positive way to what the government was trying to do.

The government has shown by this that it really is not prepared to listen. It is not prepared to react. It is not prepared to be that open government the Premier promised it would be when he took power back in 1985 or whenever it was. It seems he has broken that promise.

The promise he has broken is far deeper when you start thinking about the way the Liberal Party, from the very beginning, has come out and said it was opposed to expanded Sunday shopping. This is something they said in the 1985 election campaign. Up to November 1985, the now Premier stated categorically that the Liberal government would not abandon the common pause day. In December 1986 the Liberals said they felt the current laws should be upheld. In January 1987, although Sunday shopping had already been analysed by a Progressive Conservative task force, the Liberals sent the issue to a standing committee of the Legislature for study.

The committee issued its report in May 1987. It recommended that Sunday be maintained as a common pause day and it rejected the notion of wide-open Sunday shopping for the harm it would incur in family life and recreational pursuits. In November 1987 the Solicitor General said that choosing the municipal option would be the chicken way out.

I have to say, by virtue of the actions now being taken by the government, it is really taking the chicken way out. Not only have they refused to listen, refused to budge, they have refused to open up the whole subject for the kind of discussion people were asking for.

**Mr. South:** On a point of order, Mr. Speaker: The honourable member has indicated that we have not listened. I would think a bill that has had nine amendments to it is proof that this party has listened.

**Mr. Cousens:** The honourable member makes a very good point. There is no evidence of listening. Since this has gone out to the committee, the honourable member for Frontenac-Addington (Mr. South) has to understand that the public in Ontario still feels that his government has not listened, has not reacted, has not made the changes the people wanted it to make.

I am sure that he himself will stand judged by his own constituents who have gone to him and asked him to take a position to respond to their

needs. Obviously, he is in line with the House leader by his present statement, but I am asking him to respond to his constituents and what they are asking him to do. The fact is that they are satisfied that he has not listened.

It becomes a matter of conscience for each of the members of the Liberal caucus. If they are there to serve the people of Ontario as they have been elected to do, one would have expected that the openness they said they would show would be demonstrated in that they actually would have listened.

I take great exception to that and I would like to go on record as one who says we have only begun. The people in Ontario have asked all of us to look at what we are doing. The churches on the past Sunday received letters from their arch-bishops and from their spiritual leaders asking their constituents to do everything they can to

fight for what they believe, that is, to protect this day of rest so that Sunday will not become a wide-open day for everything to start going on.

This is the plea we are making. We hope that through this debate those who are in the House will have a chance to listen to their constituents and have a chance to prove they have listened. The Premier has now said that the member for Frontenac-Addington and every other member who wants to vote according to his conscience can, that they are no longer under the power of the member for Renfrew North, the House leader. They can actually do what they believe. There will be a considerable effect on Ontario through this bill.

On motion by Mr. Cousens, the debate was adjourned.

The House adjourned at 6 p.m.



## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

### POLICE WEAPONS AND AMMUNITION

**398. Mr. B. Rae:** Would the Solicitor General table the study referred to in the Toronto Star of December 28, 1988, which apparently was done by ministry staff in early 1987 and which reviewed the types of ammunition used by Ontario police forces? [Tabled January 4, 1989]

**Hon. Mrs. Smith:** The ministry is unable to table the study referred to in the Toronto Star of December 28, 1988, due to the fact there is no written study.

### INTERIM ANSWER

**399 to 421. Mr. Jackson:** Hon. Mr. Sorbara—The ministry requires more time than the normal 14 days to provide the information required by these questions. Final answers will be available on or about February 10, 1989.

### RESPONSES TO PETITIONS

#### TEACHERS' SUPERANNUATION

Sessional paper P-22, re teachers' superannuation.

**Hon. Mr. Ward:** The issue of providing a pension based on "best five" years' service retroactively to those who have already retired must be viewed in the context of the overall financial situation of the teachers' pension plan. It should be noted that when this issue was referred to the Public Sector Pensions Advisory Board in 1986, the board reviewed the matter and recommended against this change.

More recently, the Slater report on teachers' and public service pensions has concluded that under the best possible circumstances, current contributions and investment income are insufficient to provide the current level of pension indexation. Further, the report found that this situation has occurred for benefits that arose from past service, and if nothing is done, will occur in respect of future service. These findings are consistent with earlier reports by Laurence Coward and Malcolm Rowan. Indeed, the Coward report measured the unfunded liability with respect to teachers' indexation benefits at almost \$7 billion.

The government sees the matter of unfunded liability as requiring urgent disposition and is committed to finding a resolution that is fiscally prudent and fair to current contributors and future taxpayers. At the same time, the government has

indicated its willingness to pursue real reform in the pension arrangements.

To this end, a working group on teachers' pensions has been established which includes representatives of the Ontario Teachers' Federation. The "best five" matter is among the issues being discussed by the working group. The working group has been instructed to present recommendations as to how to proceed in the near future so that the implementation arrangements to resolve the funding situation can be included in the next provincial budget.

#### MADAWASKA HIGHLANDS REGIONAL TRUST PARK

Sessional paper P-34, re Madawaska Highlands Regional Trust.

**Hon. Mr. Kerrio:** The Madawaska Highlands Regional Trust proposal has been advanced by the Canadian Parks and Wilderness Society, which is a nongovernment charitable organization.

It is not a proposal put forth or endorsed by the Ontario government. This point was made clear in a letter sent from the Ministry of Natural Resources to several newspaper editors in the area, in the late fall of 1988.

The Ministry of Natural Resources' position on resource management in the area is contained within the district land use guidelines and provides for hunting, fishing, trapping, logging and other traditional pursuits which will continue on crown lands in this area, in an environmentally sound manner.

There have been a number of meetings in the local area to discuss the proposal. None of these meetings has been organized by the Ministry of Natural Resources. However, staff from the ministry have attended most, if not all, of the meetings, and have outlined ministry plans for the area.

The ministry's land use planning and resource management system provides the public with opportunities to voice their support for, express concerns about or suggest alternatives in the management of natural resources.

On the basis of the above, I see little need for a Legislature debate or for government-initiated local hearings on this matter.

#### CHILD CARE

Sessional paper P-36, re accessible day care.

**Hon. Mr. Sweeney:** First, the petition urges the government of Ontario to "recognize that day

care must receive the same priority as accorded to general education."

It is uncertain whether the use of the term "priority" in this petition refers to the funding of child care in general or to the security of tenure of a child care program in a school. If the petition is urging the province to ensure that the funding of child care receives the same priority as the funding of general education, it must be noted that the provincial government does not plan to fund child care on the basis of universality, in which all child care costs would be paid by the province. Furthermore, the government of Ontario does not expect the pending federal legislation, which will affect Ontario's child care services, to be based on universality.

Although the province does not fund all child care costs, it is moving child care away from a welfare service and towards a public service. The province's plan for child care has been established in my ministry's document entitled *New Directions for Child Care*, which announced the province's intention to undertake a major expansion of child care services as part of the movement of child care towards a public service. However, the document also recognizes that this expansion has to occur within the province's fiscal capacity.

The growth in child care expenditures during the first three-year planning cycle of *New Directions for Child Care* will exceed \$165 million, which almost doubles the previous provincial contribution to child care. Despite this significant increase, the government of Ontario is unable to meet all requests for child care services.

In the context of both the increase in expenditures and current fiscal realities, two major factors will have an impact on the future expansion of child care services. The first factor is the system's capacity to manage a large increase in services over time, recognizing that staffing shortages are becoming more pronounced. The second factor is the ability of Ontario's economy to generate increased expenditures in the face of growing demands for elderly people and for welfare reform.

The use of the term "priority" in the petition may instead refer to the security of tenure for child care programs based in schools. My ministry is aware that security of tenure is an issue at Allenby public school as well as at other schools in Metropolitan Toronto. In conjunction with the Ministry of Education, my ministry has recently completed a province-wide consultation regarding school-based child care. In the Toronto

area consultation, many service providers indicated the same concern regarding security of tenure: that while the program may have local and community support, the service provider has no assurance from the relevant board of education that the program has security of tenure, particularly in the context of the other priorities of the board or of the local principal. My ministry shares this concern and will refer this issue to the Ministry of Education for resolution.

Second, the petition urges the government of Ontario to "expand on its current program of providing day care facilities in new schools in order to include existing schools."

The program to which the petition refers was essentially developed to facilitate the creation of child care spaces in rapidly growing communities. Aside from this particular program, my ministry is engaged in promoting and creating new spaces, including those in existing schools, through the program development fund.

The program development fund allows my ministry to assist financially in renovation costs, equipment and other startup costs for new centres or to assist existing centres in any of these areas. Many nonprofit child care centres receiving assistance this year from the program development fund are based in existing schools.

Finally, the petition urges the province to "take measures to ensure that the day care services provided at Allenby public school continue to be provided in future, either in the school or in the immediate community."

My ministry strongly believes that existing child care services should remain in place and hopes that measures can be found to ensure that the local program remains in its present location at Allenby public school. I can assure parents of children enrolled in the program that if the program has to leave Allenby public school, staff of my ministry's Toronto area office will work together with parents with the objective of continuing to provide service elsewhere in the community.

#### HOME CARE

Sessional paper P-39, re Red Cross.

**Hon. R. F. Nixon:** On December 2, 1988, I met with the Red Cross, at which time the issue of their \$1.1-million deficit was raised. On January 6, 1989, the Minister of Community and Social Services (Mr. Sweeney) announced that the government will cover the \$1.8 million in deficits incurred by homemaker programs of the Red Cross and six other not-for-profit organizations across Ontario. In addition, the government has agreed to fund verifiable deficits incurred by these programs next year.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)

**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)

**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)

Offer, Steven (Mississauga North L)

**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)

Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)

Smith, David W. (Lambton L)

**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)

Sola, John (Mississauga East L)

**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)

**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)

Wildman, Bud (Algoma NDP)

**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)

**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in  
 each issue. Lists of the members of the executive  
 council, parliamentary assistants and members  
 of committees, brought up to date as necessary,  
 are published in Hansard in the first and last  
 issues of each session and on the first sitting day  
 of each month.



## CONTENTS

**Tuesday, January 24, 1989**

### Members' statements

Optometrists' fees, Mr. Farnan .....	7509
Inter-City Gas Corp., Mr. McLean .....	7509
City of Mississauga, Mr. Mahoney .....	7509
Robert J. Watson, Mrs. Marland .....	7510
Product certification, Mr. Neumann .....	7510
School opening and closing exercises, Mr. Cousens .....	7510
Hospital services, Mr. McLean .....	7510
Hospital funding, Mr. Callahan .....	7511

### Statements by the ministry/Déclarations ministérielles

Occupational health and safety, Hon. Mr. Sorbara .....	7511
Santé et sécurité au travail, l'hon. M. Sorbara .....	7511
Municipal street lighting pilot program, Hon. Mr. Wong .....	7512

### Responses

Occupational health and safety, Mr. Mackenzie .....	7513
Municipal street lighting pilot program, Mr. Charlton, Mr. Runciman .....	7514
Occupational health and safety, Mr. Harris .....	7514
Municipal street lighting pilot program, Mr. Jackson .....	7515

### Oral questions

Investigations of police activities, Mr. B. Rae, Hon. Mrs. Smith .....	7515
Tritium, Mr. B. Rae, Hon. Mr. Wong .....	7516
Hospital services, Mr. Brandt, Hon. Mrs. Caplan .....	7517
Community safety, Mr. Runciman, Hon. Mrs. Caplan .....	7518
Dioxin in kraft pulp, Mr. Hampton, Hon. Mr. Bradley .....	7519
Mediation in family law, Mr. Jackson, Hon. Mr. Sorbara .....	7520
Pay equity, Mr. Owen, Hon. Mr. Sorbara .....	7521
Hazardous spills, Mrs. Grier, Hon. Mr. Bradley .....	7521
Disposal of DDT, Mrs. Marland, Hon. Mr. Bradley .....	7522
Acid rain, Ms. Hart, Hon. Mr. Bradley .....	7523
Proposed fertilizer plant, Miss Martel, Hon. Mr. Conway .....	7524
Waste management, Mr. Harris, Hon. Mr. Bradley .....	7524
Constitutional reform, Mr. Beer, Hon. Mr. Scott .....	7525
Lark Manufacturing Inc., Mr. Reville, Hon. Mr. Sorbara .....	7526

### Petitions

York region land development, Mr. Cousens, tabled .....	7526
Naturopathy, Mr. Polsinelli, tabled .....	7526
Home care, Mr. Jackson, tabled .....	7526
Church of Scientology, Mr. Lupusella, tabled .....	7527

### Report by committee

Standing committee on the Ombudsman, Miss Nicholas, adjourned .....	7527
---	------

**First readings**

<b>Amusement Devices Amendment Act</b> , Bill 205, Hon. Mr. Wrye, agreed to . . . . .	7527
<b>Elevating Devices Amendment Act</b> , Bill 206, Hon. Mr. Wrye, agreed to . . . . .	7527
<b>Energy Amendment Act</b> , Bill 207, Hon. Mr. Wrye, agreed to . . . . .	7527
<b>Occupational Health and Safety Statute Law Amendment Act</b> , Bill 208, Hon. Mr. Sorbara, agreed to . . . . .	7527
<b>McMichael Canadian Art Collection Act</b> , Bill 209, Hon. Ms. Oddie Munro, agreed to . .	7528

**Government motion**

<b>Time allocation</b> , resolution 20, Hon. Mr. Conway, Mr. Harris, Mr. Kormos, Mrs. Marland, Mr. Breaugh, Mr. McLean, Mr. Laughren, Mr. Cousens, adjourned . . . . .	7528
--	------

**Answers to questions in Orders and Notices**

<b>Police weapons and ammunition</b> , question 398, Mr. B. Rae, Hon. Mrs. Smith . . . . .	7555
<b>Interim answers</b> , questions 399 to 421 . . . . .	7555

**Responses to petitions**

<b>Teachers' superannuation</b> , sessional paper P-22, Hon. Mr. Ward . . . . .	7555
<b>Madawaska Highlands Regional Trust Park</b> , sessional paper P-34, Hon. Mr. Kerrio . . .	7555
<b>Child care</b> , sessional paper P-36, Hon. Mr. Sweeney . . . . .	7555
<b>Home care</b> , sessional paper P-39, Hon. R. F. Nixon . . . . .	7556

**Other business**

<b>Adjournment</b> . . . . .	7554
<b>Alphabetical list of members</b> . . . . .	7557









20N  
1  
D23



Common  
Public

No. 135

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
Wednesday, January 25, 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

---

Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, January 25, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### ROBERT BURNS DAY

**Mr. McLean:** It has been 230 years since the birth of Scotland's greatest poet, Rabbie Burns. He was a poet of the middle class against the privileged minorities, a reformer and a genius. His views and teachings were common sense, joyful and irresistible. There have seldom been more weighty documents in the history of freedom than the songs of Rabbie Burns. His satire still stands strong. Like musical arrows, his words sing through the air. Even people who care nothing for literature and poetry care for Burns.

He was the poet of the poor, anxious, cheerful, working humanity. He made the language of the Lowland Scots people famous. He took the speech of the market and street and clothed it in melody. The memory of Burns for many of us carries snatches of his songs and we can say them by heart. What is strangest of all, we never learned them from a book but rather from mouth to mouth.

When they come to reckon just a few of the great men Scotland has provided to build the proud history of the land we live in now, the world can see we Scots have given Canada the fundamentals of its exploration, its regiments, its trade, its railways and its automobiles, as well as providing some of the finest preachers, actors, poets and artists.

When to all that is added Canada's outstanding gallery of Scots-blooded statesmen, politicians and rebels too, it is clear how truly Sir William Osler spoke when he said: "The Scots are the backbone of Canada. They are all right in their three vital parts—head, heart and haggis."

We join the hundreds of thousands of Ontarians of Scottish descent in celebrating the birth of Rabbie Burns.

**Mr. McGuigan:** January 25 is a day that Scottish people particularly revere. That reverence is shared by people of many tongues and faiths through the words of a great poet, the words of a people who suffered the retribution of an unyielding and impossible soil, a people who

lived in the shadow of the world power of the day. If Scotland has a national day it is January 25. On this day Scots flock to eat haggis, to hear their own tongue spoken, to drink a dram of barley whisky and to honour their country's greatest son.

Burns was born the son of a tenant farmer, received a better education, short as it was, than others in his circumstances and, building on his natural genius, he left us hundreds of poems, letters and songs that appeal to people of all cultures. He singlehandedly saved the Scottish tongue, for he wrote in the vernacular rather than English. He had the tongue of men and sometimes of angels, and he had in his heart a love for the human race. He gave words to the ordinary experience of human life: birth, love, beauty, despair and death.

Scotland has no national anthem. The nearest is Burns's Scots Wha Hae. He was a reformer, a champion of the underrepresented. He dared to challenge the authority of the nobility, the kirk and of custom. He declared his views of human rights in the poem *A Man's a Man for A' That*. Today, on the anniversary of his birth, he will be remembered "till a' the seas gang dry...and the rocks melt wi' the sun."

## WASTE MANAGEMENT

**Mr. Hampton:** I regret that I cannot speak on Rabbie Burns, though I might like to. What I do want to bring to the attention of the House is the fact that we in northern Ontario do not want southern Ontario's garbage; that any proposal to place southern Ontario's garbage in northern Ontario is a completely inappropriate way to address our problems of waste, recycling and conservation.

To put this in a slightly historical perspective, it was only about 10 years ago that the Atomic Energy of Canada Ltd. said it wanted to store nuclear waste in Atikokan, not realizing that right next door to the town of Atikokan is Quetico Park. How do you attract people to one of the world's richest parks if you are also going to store nuclear waste next door?

This proposal has come and gone. It has been considered across Ontario. Now we have the most recent proposal to ship southern Ontario's

garbage north. It is not something that will help northern Ontario, either in the short run or in the long run. It is not something that will help southern Ontario in terms of an appropriate way to deal with waste, to deal with garbage and to deal with the conservation question.

Please, think again. Think about something more appropriate than simply shipping garbage north.

#### YANGTZE RIVER CANOE PROJECT

**Mr. Runciman:** This year marks the 40th anniversary of the People's Republic of China. Canada's leaders have led the western world in recognition of this country. Already festivities have started in China and they will culminate on October 1 in Beijing.

I wish to draw the members' attention to a project that, with the ratification of the Chinese State Council, is responsible for ensuring that any currently available film technology can be applied in China. I am referring to the Yangtze River canoe project which was reported on the front page of the November 22 issue of the *Globe and Mail*.

That project will see a group of international canoeists, spearheaded by former Brockvillian and personal friend Kevin Darroch, travel across China in order, at the request of Chinese officials, to arrive in Beijing on October 1 at the height of their celebrations. I am sure all members will want to join me in wishing the canoe team well in its travels across China.

#### MICHAEL SMITH

**Mr. Miclash:** It gives me great pleasure today to speak about a distinguished member of the Kenora community.

Michael Smith, a young man from my constituency, is an all-round athlete who last year represented Canada in the decathlon at the 24th Olympic summer games in Seoul, South Korea. Mike placed 14th overall, with a score of 8,083 points. This is a marvellous achievement, as Mike had been competing in the decathlon event for only three years before qualifying for the Olympics.

#### 1340

Other achievements garnered by Mike have been to be a member of the Canadian Commonwealth Games team in Edinburgh in 1986. In the same year, he placed second at the world championships in Athens, Greece.

As a friend of the Smith family and a teacher at Mike's former school, I cannot convey how proud the citizens, along with Mike's family, are

of his achievements. Mike is now studying commerce at the University of Toronto and around these studies he continues to fit in a very ambitious workout schedule, training for the francophone games in Morocco and the world student games in Brazil.

I would like to express my delight that northwestern Ontario, and especially Kenora, has received such fame in the person of Mike Smith, a very gifted and committed athlete. Mike is with us here today, seated in the members' gallery, and I would ask that we give him a warm welcome to Queen's Park.

#### MUNICIPAL FUNDING

**Mr. Allen:** When the government freezes unconditional grants to municipalities at a time of continuing inflation, local finance becomes very difficult. When it follows the below-inflation increase of two per cent, it is not only doubly difficult but unrealistic. When it comes just when local governments are trying to make up for lost ground during leaner years, a zero increase in grants to municipalities becomes a nightmare for local politicians.

In real terms, Hamilton now has lost seven per cent in two years, close to \$1 million, yet costs for staff and equipment are going up. Provincially generated costs in programs such as pay equity have to be met solely out of municipal coffers. Hamilton supports pay equity and all worthwhile provincial programs to increase fairness and the wellbeing of its citizens, but its ability to maintain services is severely compromised when it loses that amount of money in real terms over a two-year period.

The issue crops up again in education, for example, where provincial support has fallen to a level of 32 per cent of local costs; in local homemaker services, when the region had to make up for abominably low provincial grants; in costs related to training programs, where the municipality has to pick up day care, transportation costs, etc.

Surely it is time for fair play to the municipalities in terms of their provincial transfer grants and assurances that municipal grants will at least provide inflation-level increases.

#### DRIVER EXAMINATIONS

**Mr. J. M. Johnson:** I have a news release that states: "The Minister of Transportation today announced expanded services to selected driver examination centres in Ontario. This service includes Saturday testing."



If this government is so determined to inflict an open-Sunday policy on this province, why does it not set an example and open some of its own government agencies and offices on Sundays, such as the Ministry of Transportation driver examination centres? I am sure the public would appreciate this service.

**Mr. Speaker:** The member for Simcoe East for 15 seconds.

GEORGE KNUDSON

**Mr. McLean:** I just want to pay tribute on behalf of our party to George Knudson, who passed away, and extend to his family sympathy for the great loss that they have suffered.

#### VISITORS

**Mr. Speaker:** Just before I go to the next order of business, I would ask all members of the assembly to join with me in recognizing some visitors in the east end of the Speaker's gallery. They are members from the Northwest Territories Legislative Assembly: Henry Zoe, Don Morin and Brian Lewis. Please join me in welcoming them.

#### STATEMENT BY THE MINISTRY

##### ACID RAIN

**Hon. Mr. Bradley:** On December 17, 1985, this government kept its promise to the people of Ontario to bring our big acid rain polluters under control. That day we announced Countdown Acid Rain.

Countdown Acid Rain required these companies to cut their collective sulphur dioxide emissions by two thirds from the 1980 levels. The companies were required to cut back from 1,993 kilotonnes in 1980 to 665 kilotonnes in 1994. They had to report every six months on the research and planning they were doing to meet the new limits.

Yesterday, Ontario Hydro submitted its plan to reduce acid rain pollution to the legal limits set by Countdown Acid Rain. This event marks an important milestone in the fight to protect our rivers, lakes, fish and timber resources, as well as our health and our historic buildings, from the ravages of acid rain.

Now, all four of the major acid gas emitters in Ontario—responsible for 80 per cent of the acid rain pollution generated in Ontario—have told us how they propose to achieve drastic reductions.

Ontario Hydro emitted 396 kilotonnes of sulphur dioxide in 1980. This must be reduced to no more than 175 kilotonnes in 1994. In addition, emissions of nitrogen oxides are to be capped at

40 kilotonnes. The plan submitted by Hydro details the methods it is proposing to meet and maintain the reduced limits.

Ontario Hydro is proposing to spend \$2.5 billion between now and the year 2000 to meet or better Countdown Acid Rain's requirements for acid gas reduction. More than half this amount, \$1.3 billion, is to install scrubbers at coal-fired generating stations.

Hydro plans to begin operating its first two scrubbers at its Lambton coal-fired generating station in 1994. Six more scrubbers are planned by the year 2000 in order to stay below the limits as power demand increases.

In addition, Hydro proposes to employ conservation, energy efficiency improvement, increased use of low-sulphur coal, development of alternative renewable resources and private generation in order to meet its environmental obligations.

Previously, the three metals companies submitted their plans to meet Countdown Acid Rain's requirements.

Inco, the single largest acid rain pollution source on the continent, has proposed a \$494-million plan to meet the law. Its 1980 legal limit was 1,159 kilotonnes of sulphur dioxide. By 1994, Inco can emit no more than 265 kilotonnes. Inco plans to change its milling technology to reject more sulphur from the ore before smelting, as well as installing new oxygen flash smelting furnaces to help capture more sulphur dioxide before it goes up the stack.

Algoma Steel's Wawa iron ore sintering plant plans to continue to limit production in order to keep emissions within legal requirements. Algoma's legal limit drops from 285 kilotonnes in 1980 to 125 kilotonnes in 1994.

Falconbridge had a legal limit of 154 kilotonnes of sulphur dioxide in 1980. It must limit its emissions to 100 kilotonnes in 1994. Falconbridge has proposed a \$38-million plan which will reduce emissions by increasing sulphur ore rejection and making process changes.

My ministry's technical experts are analysing these reports to make certain they will obtain the required benefits for Ontario's environment. I believe the four compliance reports should also be reviewed by a committee of the Legislature.

Countdown Acid Rain is right on schedule. It is a program which will safeguard valuable resources, historic monuments, vacationlands, jobs and the very beauty of Ontario. This is a great day for Ontario's environment.

## RESPONSES

## ACID RAIN

**Mrs. Grier:** That is certainly another good news announcement. I only wish that we were in 1994. I think that is going to be the great day for Ontario's environment, when we actually see some of these plans come to fruition. At least I am very glad that the program is on schedule, unlike other programs of the minister which are now two if not three years behind schedule. I am, of course, referring to the municipal-industrial strategy for abatement.

I also welcome the minister's conversion to having these compliance reports reviewed by a committee of the Legislature. I regret that it took a question in this House and some considerable publicity to remind the minister of the commitment that he gave me in the select committee on energy two years ago that when these reports were submitted, they would in fact be submitted to a committee of the Legislature.

I hope the fact that the minister has today said that will be the case means that he has the agreement of his House leader that it will be the case very shortly, because I remind the minister that when I asked him in the House whether there would be committee review of the compliance reports, he neatly dodged the question and said, "Over to the House leader." That, of course, was where I next directed my question.

1350

I am being very gracious and I wish to congratulate the minister in having brought, finally, one of his programs in on schedule for the first stage.

The only reservation I have is in what is not said in the paragraph on Hydro's plans, where the minister tells us that Hydro proposes to employ conservation, energy efficiency and increased use of low-sulphur coal. I hope that means Hydro is not, once again, going to insist that its reliance on nuclear power means that it is meeting the acid rain emissions indicated by the minister, that it is truly going to employ conservation and that we might see scrubbers on some of Hydro's plants, because that, like the minister's Countdown Acid Rain program, is long overdue.

**Mrs. Marland:** It is always very interesting to hear the Minister of the Environment refer to his Countdown Acid Rain program in such glowing terms, especially as it refers to Ontario Hydro, because the Countdown Acid Rain program, when it was introduced in dealing with the problems associated directly with Ontario Hy-

dro, gave Ontario Hydro the now infamous provisions of banking its emissions.

**Hon. Mr. Bradley:** Long gone.

**Hon. Mr. Elston:** Long gone.

**Mrs. Marland:** Let us not forget who was responsible for the removal of those banking provisions.

**Hon. Mr. Bradley:** Liberal members.

**Mrs. Marland:** The interesting aspect about the government members sitting in the House today talking about "long gone thanks to the committee," is that the select committee on the environment in fact uncovered the existence of banking emissions as a privilege of Ontario Hydro.

**Hon. Mr. Sorbara:** You don't have to use the full five minutes, Margaret.

**Mrs. Marland:** Thank goodness the select committee on the environment did pass a resolution and, ultimately, a recommendation in its report that the banking provision that was going to allow Ontario Hydro to emit on any given day an accumulation of its emissions, and therefore the control of acid rain in the province with the banking provision in it was absolutely meaningless.

**Hon. Mr. Bradley:** It was adopted right away.

**Mrs. Marland:** Anyway, it is even more interesting, as we go in to the minister's statement today, that he gives the emissions of Ontario Hydro as a comparison back in 1980.

**Hon. Mr. Bradley:** That's the American-Canadian agreement.

**Mrs. Marland:** What this Minister of the Environment fails to say, however, is that prior to 1985 and in those years between these figures in 1980 and 1985, the Progressive Conservative government forced Ontario Hydro to reduce its emissions by 50 per cent. So, the credit this Minister of the Environment is taking for the reductions of 66 per cent in fact is rather—of course, I will not use the word "misleading," because I am not allowed to. But it is interesting to see that in fact he is taking credit for 66 per cent, 50 per cent of which was an accomplishment of the Progressive Conservative government between the years 1980 and 1985.

**Hon. Mr. Bradley:** Talked about, never done.

**Mrs. Marland:** I would also like to say that in those years, the Progressive Conservative Minister of the Environment was responsible for negotiating with seven provinces across this



country an agreement to reduce acid rain emissions in Canada collectively.

**Hon. Mr. Bradley:** That was when you were holding up the spills bill.

**Mr. Brandt:** It has nothing to do with the spills bill.

**Mrs. Marland:** I hope, in the program that Ontario has to install scrubbers, that it will start looking at the necessity for scrubbers to be installed in those coal-fired thermal units which exist today in densely populated areas. I will give as an example—

Interjections.

**Mr. Speaker:** I am sorry to interrupt the member, but it is a little difficult to hear.

**Mrs. Marland:** Thank you, Mr. Speaker, but the truth of the matter is that we in the opposition know very well that when we get heckled to death while we are trying to respond to the minister's statement, it is purely because we are stating the facts and the government cannot bear to hear them. But that is fine. We will continue to let the people of Ontario know the truth and the facts and we will continue to let the people of Ontario know that we represent their concerns.

There is a concern with coal-fired thermal units in this province that do not yet have scrubbers nor have scrubbers planned for them. For example, the Lakeview generating plant in my own riding is surrounded on three sides by a densely residential area and on the other side by the recipient of all the pollution, namely, Lake Ontario. So naturally we would like to see more than two scrubbers in the schedule for the next five years.

I recognize the financial investment that has to be made by Ontario Hydro, but it is an investment which the public demands. It is an investment which the public would agree to fund through some cost-sharing, in terms of its hydroelectric rates, as long as it is to protect the environment. This is something Hydro has yet to be asked to look into. If we have increased capacity at these coal-fired thermal units—

**Mr. Speaker:** The member's time has expired.

**Mrs. Marland:** —are we going to guarantee that the scrubbers will be in place?

## ORAL QUESTIONS

### NURSING SERVICES

**Mr. B. Rae:** The Minister of Health will know, because she was there, that hundreds of nurses came off their midnight shift this morning

and came to the Legislature. They really had a couple of very specific demands. I would like to ask the minister about one of them.

One of their demands, which has been on the table now for several weeks, is that their contract, which is a three-year contract with the Ontario Hospital Association, should be re-opened so that nurses who are providing critical care can be paid more and so that we will not continue to see this loss of nurses so essential to the profession and to those hospitals. Can the minister tell us exactly what she has done to see that the contract is reopened and that the particular needs of critical care nurses are met?

**Hon. Mrs. Caplan:** I did meet with the nurses on the steps of Queen's Park this morning. I told them that we appreciate the competent, quality care they give to the people of the province. I would say to the Leader of the Opposition that I have listened not only to the nurses this morning, but to nurses as I have travelled across this province, and what they are telling me is that in fact the solutions to the situation of nursing in this province must be responded to jointly, collectively and co-operatively, by employer, unions and government.

I want to say to the Leader of the Opposition that I met in the past week with the leadership of the Ontario Nurses' Association. I told them that I respect the collective bargaining process and asked them if they would come together with the Ontario Hospital Association to discuss the issues facing nursing without any preconceived conditions, and they have agreed.

**Mr. B. Rae:** The minister's respect for the collective bargaining process is interesting.

**Hon. Ms. Caplan:** Admirable.

**Mr. B. Rae:** And fairly selective, I would say. Nevertheless, I would indicate to the minister that this has meaning only if the government is prepared to sit down with the Ontario Hospital Association, which she says is the employer, which is technically correct. Nevertheless, she is the minister and the Treasurer (Mr. R. F. Nixon) is the moneybags for that employer; that is the reality of life in Ontario today.

The minister knows perfectly well that the hospital association has said it is not about to reopen the contract and not about to reopen the collective bargaining arrangement with the nurses, because it says it does not have the money to do so. The only player in the field that can break this logjam is the government of Ontario.

I want to ask the minister specifically what has she done, in her conversation with the hospital association, to ensure that nurses get more

money now in recognition of the critical job they perform at the very heart of our health care system?

**Hon. Mrs. Caplan:** As the Leader of the Opposition knows, a number of studies have been undertaken which have looked at the situation of nursing in Ontario. He knows full well that the contract which was negotiated and ratified by the nurses' union, the Ontario Nurses' Association and their employers, the Ontario Hospital Association, is considered by some to be one of the best contracts in Canada and Ontario nurses are the highest paid. But when he addresses this, let me quote from a report on nursing human resources that was done jointly by the Federal-Provincial Advisory Committee on Health Human Resources:

**1400**

"While higher salaries are sometimes offered to reduce the dissatisfaction, the relief it provides is only temporary. The fundamental issue relating to the working conditions and the professional development of the profession of nurses remains to be addressed. Many of the factors contributing to the volatility of nursing employment appear to be within the control of management."

We have spoken to management. The Ontario Hospital Association is willing to sit down with the representatives of its employees to seek solutions to difficult and challenging issues. We respect the collective bargaining process. I am quite surprised to hear the comments from the Leader of the Opposition.

**Mr. B. Rae:** I am not prepared to watch this government sit on its fanny while hundreds of nurses vote with their feet and leave the profession. That is what we are not prepared to do in our party. If it means more money, if it means a new collective agreement in terms of nurses in critical care, if it means a new housing allowance, if it means a new transportation allowance for nurses who are working downtown and cannot afford to live anywhere downtown now because of the disastrous housing policies this government has brought in, that is what it is going to take to make a change and we are prepared to fight for that change.

I have mentioned a housing allowance. I have mentioned a transportation allowance. I have mentioned an addition in terms of money for those nurses who are working in critical care. We are 140 nurses short today in Toronto alone in terms of critical care nurses.

**Mr. Speaker:** The question?

**Mr. B. Rae:** What is the minister prepared to do to pay for that and to make sure that it happens, rather just sit back and wait for something to happen? What is she going to do to make sure it does in fact happen?

**Hon. Mrs. Caplan:** I would say to the Leader of the Opposition that a number of issues have been identified which do not involve money at all. Respect within the system, within the hospitals, an opportunity for nurses to have a greater say: Many of those can be resolved through amendment to the Public Hospitals Act. I have said we are going to do that. Greater educational opportunities, more flexible scheduling for nurses; ONA has agreed that there are many issues that can be discussed.

The Ontario Hospital Association has agreed and it is willing to sit down collectively. I am supportive of that process that brings together the employees and their representatives of the union and the employers and their representatives, the Ontario Hospital Association. The member should respect that and support it as well.

**Mr. B. Rae:** I have Orders and Notices here. I do not see any mention of the Public Hospitals Act on any order paper or on any priority list. The minister is wrong—

**Mr. Speaker:** Your question is to which minister?

**Hon. Mrs. Caplan:** I have already announced the conciliation.

**Mr. B. Rae:** Where is it in terms of the legislation?

#### PLANT CLOSURES

**Mr. B. Rae:** What I would like to do is ask a question of the Premier. I wonder if the Premier can tell us why it is that the workers at Molson's read about their layoffs in the newspaper this morning? Can he explain why it is that the laws in the province are so weak that companies can conduct a merger, can produce their corporate plans for reorganization that involve layoffs of thousands of workers, and workers in fact read about it in their daily newspapers?

**Hon. Mr. Peterson:** The Minister of Labour can help the honourable member with the question.

**Hon. Mr. Sorbara:** I read those reports in the newspaper as well. I am interested that the Leader of the Opposition suggests that we should take the front page of the Toronto Star or any other newspaper as authority. My understanding is that his view of the matter is that there should be sufficient notice to workers from employers



when there is going to be a layoff of any size. I would suggest to him that those provisions have been captured in Bill 85, which was passed in this House in the last parliament.

**Mr. B. Rae:** If the minister is satisfied with a series of laws that allow companies to make these decisions without any consultation with government, without any consultation with the trade union, without any consultation with the workers, without any justification before any committee or tribunal or anybody else; if he thinks those are the kinds of laws that are going to help the citizens of this province deal with massive industrial change, which is obviously happening and coming, then he is living in a different universe from anybody else I know who has to deal with these problems.

I would like to ask the minister, specifically on the question of justification: The minister's leader in 1985 stood in front of a factory in Kitchener, Ontario in the middle of a provincial election campaign and said that if he were elected Premier he would bring in legislation requiring companies to justify plant closures and to explain them and to allow the burden of change to be shared fairly in our society. I want to ask the minister: What happened to that promise which was made by the Premier (Mr. Peterson)?

**Hon. Mr. Sorbara:** That promise was fulfilled. It was fulfilled in Bill 85.

**Mr. D. S. Cooke:** No, it wasn't.

**Mr. Reville:** It was not.

**Mr. D. S. Cooke:** That is not a public justification.

**Mr. Reville:** Baloney.

**Hon. Mr. Sorbara:** If the Leader of the Opposition and his friend the member for Windsor-Riverside (Mr. D. S. Cooke) would be quiet for a moment, they would know that under Bill 85 no notice or severance provisions click into place in terms of time until a company which proposes to lay off 50 or more employees sends notification to the government and to the Ministry of Labour setting out all of the reasons the layoff is going to take place, setting out what consultation is to take place with the union, if there is a union for the employees affected; to set in motion a process where the government of Ontario becomes involved with labour adjustment programs and the federal government becomes involved with their employment assistance programs.

In layoffs we have seen in this province, as a result of Bill 85—I refer, for example, to the layoffs at Firestone—that process has worked.

Certainly employees have lost their jobs in layoffs. That is the nature of the exercise, but as a result of Bill 85 what we have seen is a consultative effort with the employer, with trade unions, with workers generally, with the provincial government and the federal government, and the results in very difficult situations have been generally glowing.

**Mr. B. Rae:** The minister talks about glowing. What is glowing? Four hundred Molson's workers in downtown Toronto read in the newspaper about their layoff; 400 workers with 10,000 years of service and the minister talks about some kind of glowing result. It is as if one were living in a different world from that occupied by the minister and his colleagues on the Liberal side.

I want to ask the minister: What happened to the specific commitment his leader made on plant closure justification, a sense that workers would not have to read about some issue in a newspaper as a result of a corporate merger which will not lower the price of beer in this province by a cent? Consumers will not benefit from this. Workers are getting shafted. Consumers are not getting any benefit from this. The minister says this is a glowing situation. Can the minister explain what happened to that specific promise which was made by his leader to require—

**Mr. Speaker:** Thank you. Would the member take his seat?

**Hon. Mr. Sorbara:** I am not sure the Leader of the Opposition was listening. What I said was that as a result of provisions we passed amending the Employment Standards Act—putting into place the most stringent provisions with respect to severance, the most stringent provisions with respect to notice, the most stringent provisions with respect to support and justification of the layoff which is a requirement of the act—the layoffs and the situations where there have been plant closings in this province since the passage of that bill have represented the highest degree of consultation with governments and with trade unions and with employers to ensure that the best interests of the workers are protected.

We have the most stringent severance legislation in Canada. We have the strongest legislation with respect to notice. The consultation process I expect to happen in any layoff situation will involve both levels of government and will be protected under the provisions of Bill 85.

1410

#### HEALTH SERVICES

**Mr. Brandt:** My question is for the Minister of Health who, I believe, is now taking her seat. I

would like to advise the minister that yesterday Dr. John O'Brien-Bell, who is the president of the Canadian Medical Association, said in a prepared statement that our present health care system faces tremendous problems and that these problems "indicate the potential danger of a more serious breakdown of the entire health care system."

I would really prefer not to get the usual kind of answer from the minister that goes on to quote the only cardiologist in the entire Metro area who seems to be satisfied with the status quo as it relates to the difficulties we are having in heart surgery in this province; the first step towards solving a crisis is to admit that we do in fact have a crisis.

Is the minister prepared today to indicate that there are some very serious, critical problems with health care in this province that have to be addressed immediately?

**Hon. Mrs. Caplan:** I have enormous confidence in our health care system. We face many challenges, many problems and issues which are not unique to Ontario, but by any objective observer—and they come in droves from around the world—we are considered to have, and I believe we do have, one of the best health care systems in the world.

**Mr. Brandt:** Let me remind the minister that today in the *Globe and Mail*, a Toronto cardiologist is quoted as saying of this world-class health care system that the minister seems to be so proud of, "Every cardiac surgeon in this city has had at least two or three patients a year, and some of us more, die waiting on the list."

I brought to the minister's attention the case of a lady in my own constituency who died within a matter of hours after being released from Victoria Hospital in London.

Is that the minister's definition of a health care system that is without problems, a health care system that is in fact world class, and after these facts have been presented before her, is the minister not prepared to admit that there is a very serious, critical problem with our health care system?

**Hon. Mrs. Caplan:** We review on an ongoing basis the performance of our health care system. We look at the primary, secondary and tertiary care that is provided: primary care in physicians' offices, in community health centres, health service organizations and by public health nurses; secondary care in a variety of our 222 public hospitals; and tertiary care, that highest and most specialized care, in very highly specialized centres, particularly in health science

centres but in other hospitals as well across the province.

When we identify a need to move and increase capacity in a highly specialized area—and there are rapidly changing technological advances which cause us to constantly re-evaluate what we are doing and how we can do it better—we then make adjustments and announce them.

Last June I announced an increase of some \$18 million in cardiovascular care expenditures to increase the capacity in a number of centres across the province. I announced the appointment of a cardiovascular co-ordinator. There have been some frustrations in bringing those increases on line, but I have been informed that those resources are available. The capacity increases should be on stream within a matter of weeks.

**Mr. Brandt:** When it comes to negotiating problems with nurses, the minister puts it in the hands of the Ontario Hospital Association and the Ontario Nurses' Association and she indicates they can solve the problem. The only ingredient that is missing in that whole package is the very fact that more money is going to be required in order to solve that problem.

When it comes to waiting lists for heart surgery, the minister indicates that the surgeons, the cardiologists of this province, can make the selections from a long waiting list that grows longer as we debate this issue today. They have indicated very directly to the minister and through numerous comments that they have made publicly that they cannot play God and that they cannot make those selections off lists that are now over six months long in terms of getting patients into those hospitals for absolutely critical surgery.

What is the minister going to do in order to relieve the stress and the anxiety that these people are feeling as a result of being on long waiting lists?

**Mr. Speaker:** Thank you.

**Mr. Brandt:** It is contributing, Mr. Speaker—

**Mr. Speaker:** I appreciate it is, but the question has been asked. Order.

**Hon. Mrs. Caplan:** The resources in our health care system are increasing and increasing rapidly. I have attempted on numerous occasions in this House to explain it to the leader of the third party; now, let me show him: in 1984-85, \$3.9 billion; in 1989-90, \$6 billion, an increase of almost 50 per cent.

We know that better use of our resources is always sought after by everyone. I am always



distressed when I hear about people on waiting lists. We are doing everything we can to work together co-operatively with the physicians. We take their advice. I am advised that the resources that we made available will allow the capacity increases to come on stream within the next few weeks.

### NURSING SERVICES

**Mr. Eves:** I have a very simple question for the Minister of Health. All the minister has to do is answer yes or no. That seems pretty simple.

The minister has said that, in part, one of the solutions to the nursing shortage in Ontario would be for the Ontario Hospital Association to renegotiate its contract with the Ontario Nurses' Association. Perhaps she is not aware of this, but her ministry funds the hospitals in the province. They, in turn, spend over 75 per cent of their budgets on labour costs. She is trying to say it is not her problem; in effect, it is theirs and she has washed her hands of the issue.

Hospital budgets have already been cut to the bone in this province and she knows that. Renegotiation is not possible if she does not provide the means to negotiate. Is she going to fund a renegotiated contract between the Ontario Hospital Association and the Ontario Nurses' Association? Yes or no?

**Hon. Mrs. Caplan:** I have said repeatedly in this House that I have respect and confidence in the collective bargaining process. I have also said that I have met with the leadership of the Ontario Nurses' Association. Discussions are ongoing. I have met and discussed with the Ontario Hospital Association and its leadership the many issues that can be responded to.

When the member talks about funding, I would say to him again this is the hospital funding initiative. He does not listen. I keep telling him hospital base budgets have increased by some 50 per cent from 1984-85 to 1988-89. I can tell him that we are working co-operatively and collectively to seek solutions.

His solutions are simplistic. We know that by working together co-operatively—and there is a commitment to do that—we can resolve these issues facing us in Ontario.

**Mr. Eves:** The minister seems to be incapable of giving us a straight answer. Her answer is not good enough for the nurses outside the Legislature here today, and her answer is not good enough for the hundreds of people on waiting lists for all types of surgery across the province. We have a crisis in the health care system and she is not doing anything about it.

It is very appropriate that her chart that she so proudly displays in the House this afternoon is in black. Perhaps she would like to bring another chart to the House that Dr. Barkin could stay up tonight drafting, indicating the number of people who have died on the waiting list for cardiovascular surgery and how that has risen over the past five or six years in Ontario. When is she going to do something positive?

**Hon. Mrs. Caplan:** I have asked the critic from the third party on a number of occasions to work with us, to join with us, to encourage the kinds of discussions which will be fruitful in dealing with what is a very difficult issue. I have been told by the leadership of the nursing profession, the leadership of the unions, the hospital association, that many of these issues, as I said to the Leader of the Opposition (Mr. B. Rae), involve respect, work scheduling, educational opportunities and an opportunity for nurses to have greater say within their work environment and in the kinds of working conditions they have.

1420

I am bringing together the leadership of nursing—the Ontario Nurses' Association—and the Ontario Hospital Association, which co-operatively want to work with us to resolve these issues. I would invite the critics in this House to be supportive of that process.

**Mr. Eves:** The minister talks about recommendations with respect to the nursing shortage and how most of them do not have anything to do with financing. Maybe she would like to turn to the little guide that the Registered Nurses' Association of Ontario put out. The first five recommendations have very directly to do with money, and the money comes from the minister. It has to go to the Ontario Hospital Association through her. She provides them with the money; they give it to the nurses. It is as simple as that.

The ONA's report makes four major recommendations. The first three deal with money. We know there are other recommendations that have to be addressed that do not cost money, but there also are some very serious ones that do cost money and the minister has a responsibility to provide it. Is she going to provide it or not? Yes or no?

**Hon. Mrs. Caplan:** I have yet to meet anyone but the member opposite who feels that these kinds of solutions can be found unilaterally by any one partner in our health care system; he is the only one who believes that is the best approach. My approach is to bring people

together—the nurses' union, the profession and the hospital association—to seek these kinds of solutions.

This year we have allocated 8.1 per cent in the transfer payment to hospitals, and that is an increase in hospital-based budgets from the Treasury. We have seen hospital budgets increase dramatically over the past few years to the point of some \$6 billion. I believe there are many opportunities for us to seek solutions to these issues and I believe we can do that by working together co-operatively.

#### POLYCHLORINATED BIPHENYLS

**Mrs. Grier:** My question is for the Minister of the Environment. Since 1979, residents of Charlottenburgh township near Cornwall and the township council have complained to the Ministry of the Environment about conditions on a property owned by Cornwall Factory Surplus.

My information comes from a letter from the ministry's district office which shows that between 1981 and 1983 there were three complaints of burning. In November 1985, it was found that transformers containing polychlorinated biphenyls in excess of 50 parts per million were improperly stored. There was burning again in 1986, burning of transformers in February 1986 and burning in May 1986. A burning investigation revealed transformers had burned in January 1987 and oil discharged to a creek in May 1988.

Surely, after the tragedy at St-Basile-le-Grand, the minister must recognize that in a place where PCBs are stored, burning is a very dangerous practice. Can the minister explain the inaction of his ministry and the failure to do anything about this site since 1979?

**Hon. Mr. Bradley:** The information that the member provides is inaccurate. I happen to have some information on that. The interesting thing is that what everybody wants is the PCBs either moved out of his riding, moved out of his municipality or moved out of the location he is in. I always thought it would be interesting to have a situation where I could write a letter to the person and say, "So-and-so, member of the Legislature, said they should be moved to your constituency," or to somewhere else. I think that is the situation when we are dealing with PCBs. It is not an easy situation in the province.

In reference to the particular situation that the member brings to my attention today, I indeed am aware of the situation that exists there. The investigations and enforcement branch has in fact conducted an investigation, which is presently

ongoing, and is attempting to gather as much information as possible to determine whether charges can be laid in this situation.

In addition to that, considerable activity has been undertaken to secure the site where there are PCBs and to compare it to the larger sites in Ontario. According to the last figure I saw, there are some 988 sites in Ontario for storage of PCBs.

**Mr. Reville:** You better get cracking.

**Hon. Mr. Bradley:** What is your suggestion? What does the member for Riverdale suggest we do?

**Mr. Reville:** You are the minister.

**Mr. Speaker:** Order.

**Mrs. Grier:** If information is inaccurate, I submit that it is not my fault. It comes from a letter dated January 6, 1989, to Mrs. Ross, the reeve of Charlottenburgh, who is in the gallery today, and it is signed by the district officer of the Ministry of the Environment.

There are people living in a mobile home on this site. On December 5, 1988, the ministry issued instructions to the owner and told him to do a number of things, and that is what I want the owner to do: destroy the PCBs properly. The heaviest concentrations have now been stored in barrels and marked, but nothing has happened about the low-level wastes. The oil-spilled soil has not been cleaned up, as the ministry ordered the company to do. There has been no total site inventory prepared, as was suggested.

In December, the ministry gave the owner 30 days to do these things. No charges have been laid to this point and nothing has changed. Can the minister explain that?

**Hon. Mr. Bradley:** You cannot be in a situation where you can simply charge anybody when you want to charge anybody; you have to have all of the evidence brought together. You have to have the ability to go through each of the stages, because there is such a thing as due process.

Sometimes, I guess, it is easy to say that we should circumvent the law ourselves, that we should in fact go around the law, that we should do things which are over and above the powers of the police. But when the police exceed their power or when legal authorities exceed their power, members of the opposition justifiably call that to the attention of the Attorney General (Mr. Scott) or others in this province.

I assure the member that my information is that the owner is arranging for removal of the liquid waste to a licensed site. He has also been



instructed to contact companies to arrange for the decontamination of the PCB waste held at the cargo units. Even though there has been some objection and even though there has been a securing of the site, as many other sites in Ontario would at the present time be secured—the history of this is not a good history, as the member appropriately points out—we have a director's order being prepared at the present time and facts which will force compliance with the stipulations we have set out. This is despite the fact—

**Mr. Speaker:** Thank you. New question, the member for Nipissing.

Interjections.

**Mr. Speaker:** Order.

### USE OF LOT LEVIES

**Mr. Harris:** I have a question for the Minister of Housing. She will be aware of the speech given last night by the new Toronto Home Builders' Association president—

Interjections.

**Mr. Speaker:** Order. I wish the Minister of the Environment (Mr. Bradley) would wait until the next question is asked of him. The member for Riverdale (Mr. Reville) and the member for Mississauga South (Mrs. Marland), please show some respect for the chair.

**Mr. Harris:** The Minister of Housing will be aware of the speech last night by the new Toronto Home Builders' Association president, which I might say was nothing if not a damning indictment of this government's dismal record in the area of housing policy. His criticism was focused on the question of lot levies and their impact on housing affordability.

When I raised this question with the minister in December, it was clear at that time that no study of the impact of the proposal was done to determine how many people might be shut out of their dream of home ownership by bringing this plan in. Some months have passed since we first raised it. Now that the minister has had some time, can she tell us if she or her government or her ministry has done any impact studies on the lot levy proposal to determine what impact it will have on housing affordability?

**Hon. Ms. Hošek:** I am extremely interested in the honourable member's views, because just about two weeks ago he told the House that perhaps in two or three or maybe four years he would be ready to tell us what his views were about this question. Maybe he has now consulted with his colleague the former Housing critic,

who seems to be very much in favour of the use of lot levies for funding the education infrastructure. Perhaps the member opposite has now decided together with his colleague what the view of his party really is.

1430

**Mr. Speaker:** Supplementary.

**Mr. Harris:** She missed the point of my comment last week. I said that I have the answers and I will be legally able to answer them in the House in two or three or four years. Let me—

Interjections.

**Mr. Speaker:** Anyone else with a new question? Oh, supplementary.

**Mr. Harris:** Last night, the home builders released an in-depth evaluation of all the costs involved in the construction of a typical new home. They found that fees, taxes and levies imposed by the various governments added up to something over \$26,000 or 11 per cent of the cost. That would be before the government's proposal on new lot levies, which would reach even deeper into the pockets of Ontario home buyers.

I would suggest to the minister that if she has not assessed the impact of the proposal, she is not doing her job. If she does not know how damaging it is going to be or to what extent it is going to reach, she is not doing her job across this province on behalf of the Ministry of Housing.

I ask her again: Since she obviously has not done anything, will she commit to having an impact study done on this proposal, and to tabling that information and making it public before her government proceeds any further with this proposal?

**Hon. Ms. Hošek:** As the member opposite knows, the government released a discussion paper to generate discussion on this entire question. We are engaged right now in an exercise to determine the appropriate way of getting the services that need to be put into place in order for the housing we build in this province to be accompanied by the appropriate level of services.

It seems to me that is something the member opposite would have to agree with, that we really do need to have various ways of funding the growth that is going on. We are prepared to study and discuss with everyone who is interested in giving his views on this topic the appropriate way of funding services. I think all the communities that get built in this province are entitled to an appropriate level of service.

I invite the member opposite, if he has views on what the appropriate way of funding services is, to put them forward as well. Since he has mentioned the speech of Mr. Giannone last night, I am pleased to notice that Mr. Giannone did mention—with great favour, I might add—some of the things we are doing to help his industry do its work better; in particular, the work that has been done together with the Ministry of Municipal Affairs to speed up the approvals process for planning, and also the work we are doing on building regulation and building code amendments.

#### PROPOSED ARENA

**Ms. Collins:** My question is for the Attorney General. There is a widespread perception in the media that the city of Hamilton has appealed an Ontario Municipal Board and district court decision to cabinet in regard to the city's decision to build a twin-pad arena on Hamilton's West Mountain. Would the Attorney General please advise this House of the status of that appeal?

**Hon. Mr. Scott:** The city of Hamilton went to the Ontario Municipal Board for approval of the project to which the honourable member has referred and the project approval was refused. The city of Hamilton appealed to the courts and its appeal was dismissed. As I understand, there is no appeal from the decision of the municipal board to the cabinet in a case of that type.

What the city of Hamilton did through its lawyers was file with the government what it called a petition, which in fact is a proposal that among other things the Ontario Municipal Board Act be amended for the future. I can tell the honourable member I have that so-called petition and I will be discussing it with my colleagues and particularly with the Minister of Municipal Affairs (Mr. Eakins) in due course. There is no appeal to cabinet.

**Ms. Collins:** Then, could the Attorney General please outline the options that are now available to the city of Hamilton.

**Hon. Mr. Scott:** The first option, as I understand it, is to comply with the requirements the Ontario Municipal Board has set, which have been approved by the court. The second is to repass the bylaw, I suppose, and have another hearing before the municipal board and the courts. The third option is the policy option in which they propose an amendment to the Ontario Municipal Board Act, which we will be examining in due course. I cannot think of any more options.

**Mr. B. Rae:** Are we paying for this advice or is it free?

**Hon. Mr. Scott:** I say this to the Leader of the Opposition: This advice is free, and if he needs any I can meet him at one of our handy clinics.

#### WASTE MANAGEMENT

**Mr. Pouliot:** In the absence of the Minister of Northern Development (Mr. Fontaine), I have a question—

**Mr. Wildman:** Here he comes.

**Mr. Pouliot:** We should give him time to solemnly and gracefully proceed to his seat.

My question has to do with the fascinating world of garbage disposal, as we know it in southern Ontario. I would like to draw the attention of the minister to a proposal made by Envacc Resources regarding the comprehensive waste management system for central Ontario, including the regions of Durham, Peel, Halton, York, and of course, Metropolitan Toronto.

The people of the north are somewhat apprehensive regarding the diminishing capacity in southern Ontario to absorb garbage and they are perhaps concerned about the future intentions of the present government to swing a deal with the private sector, with Laidlaw and CP, and eventually get to move the garbage of southern Ontario to some place in the north.

Can the minister give the assurance, before anything even gets contemplated, before any proposal even reaches the planning board, that municipalities and the people of the north, everybody in those municipalities and the region, will first and foremost be involved in not only the decision-making process but the consultation process as soon as it is on the drawing board?

**L'hon. M. Fontaine:** Je dois rappeler à mon ami, le député de Lac Nipigon (M. Pouliot), que je ne suis pas le ministre de l'Environnement. Alors, je réfère la question au ministre de l'Environnement.

**Hon. Mr. Bradley:** The Minister of Northern Development has discussed this matter with me on occasion, and I will say this: Among all of these things the member talks about in terms of these suggestions or proposals that are coming from people the municipalities are talking to, I am not aware of any proposals except the proposal from the member for Nipissing (Mr. Harris) and the statement that was made today by the member for Rainy River (Mr. Hampton).

I have not heard of any of these at all, but I do want to assure the member, because I think this is what he is concerned about, that any waste



management activity in Ontario would have to be reviewed environmentally.

**Mr. Wildman:** We do not want your garbage.

**Hon. Mr. Bradley:** Anywhere in Ontario, no one wants garbage. I understand that.

**Mr. Wildman:** No. We will deal with our own garbage. That's all we will deal with.

**Hon. Mr. Bradley:** They do not want their own and they do not want anyone else's, I understand that.

I can say that any waste management facility proposal, whether it is for garbage or any other kind of waste management facility, would have to be reviewed very carefully environmentally before it could be accepted. Ordinarily, the Environmental Assessment Board would make a ruling on any of these situations, but I have not heard of any of them.

**Mr. Pouliot:** Of course, they would have to adhere to the regulations and specifications of the Ministry of the Environment. We are quite aware of that.

What we are asking is, will the minister give the people the final say on whether they want southern Ontario garbage or not? It is a very straightforward question. I would not dream of making a suggestion to send northern Ontario garbage to the south. We send our natural resources but we do not want the garbage to be—

**Mr. Speaker:** Order. That was a very straightforward question.

**Hon. Mr. Bradley:** As the member and other members may be aware, there are other kinds of wastes around Ontario that are indeed transported to southern Ontario. Some of them are transported to the westerly portion of Ontario; for instance, where the Tricil facility is located in the Sarnia area of the province. There is an approved facility to deal with certain materials there. Those come, as far as I know, from all over Ontario.

**Mr. Brandt:** Another one of your good ideas.

**Hon. Mr. Bradley:** The member for Sarnia (Mr. Brandt) is very aware of the fact that there are environmental hearings that are held to deal with this. Finally, the Environmental Assessment Board makes a decision based on the input from everyone concerned. In this case, I would think it is coming from north, south, east and west, all other parts of the province.

I want to assure the member, and I know what he is concerned about, that people would have the full opportunity for input into the environmental assessment process and the board would render a decision.

1440

#### SALE OF CIGARETTES TO MINORS

**Mr. Sterling:** I have a question for the Premier. About half an hour ago, the Student Movement Aimed at Restricting Tobacco, SMART, was successful in prosecuting Shoppers Drug Mart for selling tobacco to minors. Shoppers Drug Mart pled guilty to the offence and was given the maximum fine of \$25. Does the Premier think this is an adequate level of fine for a corporation that sells over \$2 billion annually?

**Hon. Mr. Peterson:** The Attorney General is an authority on these matters.

**Hon. Mr. Scott:** The act to which the honourable member refers comes within the jurisdiction of my ministry and I am perfectly prepared to agree that the maximum fine is perhaps not appropriate in the light of modern circumstances.

As the honourable member will know, the problem of reforming that act, which is desirable, is made difficult by virtue of the fact that it is now permissible in the province to sell cigarettes through machines, access to which cannot be controlled. If you are old enough to get the quarters in the slot, you can buy the cigarettes.

The question that confronts our ministry is whether we want to reform the act to increase prosecutions and consider a ban on all vending machines in the province of Ontario. That is the issue and I would be very grateful to have the advice of the honourable member, who of course in his own way is an expert on this subject.

Interjections.

**Mr. Furlong:** Don't take those short jokes, Norm.

**Mr. Sterling:** I am getting some advice from the member for Durham Centre (Mr. Furlong), whom I tower above.

If Shoppers Drug Mart was again convicted of selling tobacco to minors, it would be fined the great amount of \$50 for the next offence. The Attorney General dithers about vending machines and whether or not we should allow cigarettes to be sold in vending machines, or whatever his choice may be with regard to that issue. Why would he hesitate to act now and at least take care of part of the problem that is there? Why should Shoppers Drug Mart take any action as a result of a \$25 or \$50 fine when it is selling \$2 billion a year? Why does the Attorney General not act now and do something?

**Hon. Mr. Scott:** The honourable member is really anxious to pick a fight with me on this issue and I am not fighting; there is very little difference between us. What he has to understand, and I hope he does, is that as we consider whether fines should be raised for those who manually sell cigarettes, we have to begin to deal with the real problem, which is that most individual packs of cigarettes in this province are sold through vending machines.

What I cannot get from the honourable member is the help I would like to have, namely, the view of his party as to whether all vending machines in the province of Ontario should be banned. To paraphrase the question of the honourable member for Parry Sound (Mr. Eves), yes or no?

#### PARENTAL LEAVE

**Mr. Offer:** I have a question of the Minister of Labour. I have received some concerns in my constituency surrounding the issue of differential treatment for adoptive and natural parents.

I am aware that parents of adopted children are permitted unemployment insurance benefits for a period of time—17 weeks—equivalent to maternity benefits. The difficulty is not with this benefit; the difficulty is with the lack of protection under the Employment Standards Act for the parents taking a leave of absence from employment for reason of the adoption of a child, while there is protection for the natural parents taking such a leave of absence.

Can the minister clarify this current status in terms of the protection afforded under the Employment Standards Act for adoptive parents?

**Hon. Mr. Sorbara:** It is a very good question from the member. Indeed, another member of this House, the member for St. Andrew-St. Patrick (Mr. Kanter), has introduced a bill in this House, Bill 176, which received first reading in the middle of last year, in which it is suggested that the Employment Standards Act be amended to provide 17 weeks of adoptive leave.

It is now an anomalous situation in the Employment Standards Act that provision is not made for adoptive leave, and is made all the more anomalous by the fact of a recent ruling in the Federal Court of Canada. It is something we are considering very actively, as they say, as we review the Employment Standards Act, because it does deserve correction.

**Mr. Offer:** To be specific, is the minister prepared at this time to conduct a review of the Employment Standards Act in order to address and redress this deferential treatment?

**Hon. Mr. Sorbara:** Indeed, not only are we prepared to do it; we are in the process of doing it. The question that remains to be considered by the ministry and the government is whether or not to proceed with a discrete number of amendments or to consider that process in a wider examination of a number of aspects of the Employment Standards Act. We are considering both alternatives.

#### SOCIAL ASSISTANCE

**Mr. Allen:** To the Minister of Community and Social Services: While the government delays in the implementation of the Thomson report, the problem of poverty continues to grow in this province. Today's headline in the *Globe and Mail*, "Metro Establishes 35-Year Record as Welfare Rolls Top 40,000 Cases," has a note of alarm, and yet we have been told, of course, by one of the minister's own officials—Mr. Stapleton in Kitchener, in November—that while one in 18 persons in Ontario is on social assistance, in the earlier 1980s, in depression conditions, one in 20 persons was on social assistance. The situation has got worse and one child in 11 is now part of the family on social assistance.

Surely, in all honesty, now is the time the minister should be telling us what he plans to do with regard to the implementation of stage 1 of the Thomson report in order to attack this fundamental problem in our society.

**Hon. Mr. Sweeney:** My recollection, in looking over the same news item the honourable member just referred to, was a statement by Metropolitan Toronto that 25 per cent of its total case load—in fact accounting for the total increase—was due to the refugee claimants coming into the community.

The honourable member will be well aware of the fact that I have been in consultation with the federal minister to deal with this specific issue, and he will also be aware of the fact that the federal minister has now made an announcement that those refugee claimants will be able to work. My further recollection is that farther down in that article there was a clear statement by the director in Metro that this should go a long way to resolving the particular issue he raised.

**Mr. Allen:** It hardly relates to the problem and the statistic I put to the minister, which did not bear upon the refugee question at all. If he looks at the welfare rate levels in communities as widely spread as Moosonee and Waterloo, he will find that they are also higher than they have been last year and the previous year.



Indeed Mr. Stapleton, when he was making his remarks in Kitchener last November, did not talk about refugees. He blamed failures of this government, in point of fact: the low, provincially set, minimum wage, which was below the real value of the minimum wage in 1975; the lack of day care space available for day care for single mothers; the lack of skills training and job retraining to assist workers meet new requirements in the workplace; and high costs of housing.

It was not refugees who were the issue for a big part of this problem. It was the failure of this government to address major problems that would help these people move on out of welfare, which continue to cycle them back on to it.

**Mr. Speaker:** The question?

**Mr. Allen:** When is the minister going to get on with the first stage of Thomson?

**Hon. Mr. Sweeney:** The honourable member will be well aware of the fact that with respect to assisting single mothers with their day care needs, we have doubled the number of subsidized spaces in Ontario in the last three years alone. The honourable member will also be well aware of the fact that with respect to assisting single mothers to get a foothold back in the workplace again, we have made available to several thousand single parents our social services employment program in hundreds of communities all across the province.

The member will also be very much aware, with respect to a similar question placed in the House, that I indicated that movement on the first stage would be announced very clearly in the throne speech and in the budget speech, which he can expect within the next couple of months.

1450

#### YOUNG OFFENDERS

**Mr. Sterling:** I have another question for the Attorney General, and I hope he can answer this without asking me rhetorically what my answer is.

Yesterday, the Ontario Court of Appeal overturned a lower court decision requiring six Brampton teenagers who are alleged to have kidnapped and gang-raped a 14-year-old in November 1986 to be tried in adult court. Given the seriousness of this case, is the Attorney General intending to appeal the case to the Supreme Court of Canada?

**Hon. Mr. Scott:** I should tell the honourable member we are looking into whether it is likely that we would get leave in this case.

Moving from there to the merits of the case, I must tell the honourable member that this is a result we very much feared: that is to say that the possibility of moving a case from juvenile or young offenders court into adult court, which was a way of opening the process so that there was more sentence flexibility, is going to be foreclosed to us, and that is the message that the Court of Appeal sent yesterday.

I again emphasize to the honourable member, as he knows, that since 1985 I have been asking the Attorney General of Canada and his predecessors to look at that section again to see if, as almost everybody agrees, more flexibility cannot be built into the young offenders legislation.

**Mr. Sterling:** The Attorney General knows that the age limitation of 18 in terms of adult court for criminal offences like this was brought forward by Robert Kaplan in the Liberal government in 1982 unilaterally, without consultation with Ontario. Ontario's stance at that point in time was that the age should have been maintained at 16 years for those offences.

Is the Attorney General now willing to recommend or state as a matter of policy that he would lower the age with regard to criminal offences, maybe of an indictable type, to the age of 16 for trial in adult courts as a general rule?

**Hon. Mr. Scott:** I do not believe it would be possible to do so. The Young Offenders Act is federal legislation that is applicable in all parts of the country and there is no provision in the act that permits one province to opt out of parts of it, which in effect is the proposal.

What we have done, as the honourable member knows—and again, I am not fighting with him; he and I agree about these things—is, since 1985, within weeks of being in office, I went to the attorneys general conference and said that there are changes required to this legislation which can make it work better and more effectively.

One of the changes is the sentencing provision. A second change is the capacity to transfer appropriate cases to adult court in a clear way. The third change that may be required is some assurance that the provinces have the capacity to respond, not in a criminal way but in a custodial way, to under-12s. All those suggestions have been rejected by the present government in Ottawa, run by you-know-who.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Black:** My question is to the Minister of Labour. Yesterday, he introduced in this House a package of amendments to the Occupational

Health and Safety Act. It is my understanding that the focus of those amendments is to provide additional training for people who will be serving on joint health and safety committees and that, as a result of that training, they will become certified to carry out their functions. It is also my understanding that, once certified, they will have added responsibilities and that one of those responsibilities will be in effect to be able to stop work under certain specified conditions.

There is great concern in the business community that that responsibility, if it were abused, could result in costs of thousands and perhaps millions of dollars. What is the process which a certified member of a joint health and safety committee must follow when ordering a work stoppage, and does it adequately protect the employer against abuse of that power?

**Hon. Mr. Sorbara:** I want to thank the member for Muskoka-Georgian Bay for the question. He is right that the amendments to the Occupational Health and Safety Act that I submitted to this House do put a very high premium on education and training as one of the mechanisms that we in the province are going to use, and use more effectively, to reduce the statistics in relation to accidents and illness in the workplace. We have an obligation, a serious responsibility in this province to get on with that agenda.

But the issue of the right or the authority or the capacity of a certified member of a joint health and safety committee has received a great deal of publicity. It is important to remember that under the bill the authority is to issue a notice to an employer to stop work under very restricted circumstances.

The circumstances are these: first, that there be a violation, obviously, of the Occupational Health and Safety Act; second, that the violation be of a serious and life-threatening kind; third, that individuals in the workplace would run a substantial risk of serious injury and harm were a stop work order not to be issued.

**Mr. Speaker:** Thank you.

**Hon. Mr. Sorbara:** In other words, what we are attempting to do is put the certified worker in the shoes of an inspector to do what an inspector would do under similar circumstances.

**Mr. Black:** My real concern is that the power that workers will now have should not be abused. Can the minister give this House assurance that those abuses will not take place? Are there provisions in the new regulations which will ensure that?

**Hon. Mr. Sorbara:** I think it is a reasonable concern, particularly as we are vesting under very limited circumstances a certain new authority and right to issue a notice, as I described in my original answer. There are very specific provisions and sanctions within the act to deal with that.

Above and beyond that, it is important to note in this regard that the taking of that sort of action and the criteria under which it will be utilized will be the subject of regulations and consideration by the agency, which was also created by the act.

## HOSPITAL SERVICES

**Mr. B. Rae:** On a point of order, Mr. Speaker: In this continuing saga of my correcting the record of last Thursday, I indicated to the Minister of Health (Mrs. Caplan) the number of beds that were closed and I indicated as well yesterday in correcting the record for the first time, sir, that in fact I did not have the information from the Hospital Council of Metropolitan Toronto. I am glad to say that as a result of my having said that, I now do have this information and I would like to share it with the House.

According to the information, which I should have had before me on Thursday and did not but will share with members now: closed beds as of November 30 were 888; additional projected closures, December 1 to March 31, are—

**Hon. Mr. Conway:** Order.

**Mr. B. Rae:** I am just correcting the record, Mr. Speaker—an additional 1,112 beds, making a total of 2,000 beds.

With regard to projected openings—and these are the numbers that I did not have and now have—there will be opened in January a projected 1,084 beds, leaving a total of 916 closed; in February an additional 47, leaving 869 closed; in March 228 projected open, leaving 641 closed; and in April 40 projected open, leaving 601 closed.

I hope that finally closes this matter.

**Mr. Speaker:** It should.

## REPORT BY COMMITTEE

### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

### COMITÉ PERMANENT DES RÈGLEMENTS ET DES PROJETS DE LOI D'INTÉRÊT PRIVÉ

Mr. Furlong from the standing committee on regulations and private bills presented the following report and moved its adoption:



Your committee begs to report the following bill without amendment:

Bill Pr80, An Act respecting Strathroy Middlesex General Hospital.

Your committee begs to report the following bills as amended:

Bill Pr4, An Act respecting The Ottawa Civil Service Recreational Association;

Bill Pr36, An Act respecting Association des traducteurs et interprètes de l'Ontario—The Association of Translators and Interpreters of Ontario Act;

Projet de loi Pr36, Loi concernant l'Association des traducteurs et interprètes de l'Ontario—The Association of Translators and Interpreters of Ontario;

Bill Pr40, An Act respecting the City of Trenton.

Your committee further recommends that the actual cost of printing be remitted on Bill Pr53, An Act respecting The Peterborough Historical Society.

Motion agreed to.

La motion est adoptée.

## MOTION ESTIMATES

Hon. Mr. Conway moved that, notwithstanding any previous order of the House, the standing committee on resources development be authorized to consider the estimates of the Ministry of Northern Development on January 25 and 26 and on February 6, 1989.

Motion agreed to.

1500

## ORDERS OF THE DAY

### TIME ALLOCATION (continued)

Resuming the adjourned debate on government notice of motion 20.

**Ms. Bryden:** Today we are discussing a very serious matter affecting our democratic rights in the Legislature, namely, the question of closure legislation. I recognize that legislatures have to protect the rights of both minority and majority views. The rules of this House try to do this. Legislation to set aside the rules should be considered only when there appears to be an unreasonable abuse of those rules which is seriously impeding the operation of the House. I submit that there is not in this case.

Closure or time allocation legislation has been used rarely in this House. My leader, the member for York South (Mr. B. Rae), reviewed these cases in his speech on January 19, 1989. He pointed out that the rules do permit a closure motion but say that it should not be put by the Speaker if it appears to the chair that such a motion is an abuse of the standing orders of the House or an infringement of the rights of the minority.

A time allocation motion should be subject to the same proviso. However, the Speaker has ruled in order the motion placed by the government House leader, the member for Renfrew North (Mr. Conway), last week for time allocation on Bill 113 and Bill 114, related to Sunday shopping and Sunday working.

The New Democratic Party members claimed that this motion was not in order for two reasons. First, it combined two bills of a disparate nature in one time allocation motion, an unusual move which the New Democrat members asserted could lead to putting all legislative proposals in the throne speech into the straitjacket of a time allocation motion covering the whole session. The second reason that the NDP thought that House leader's motion was not in order was because it came in before the debate on the report by the standing committee on administration of justice on these bills had even started. That is unusual.

The justice committee had travelled the province and heard a lot of views from grassroots Ontarians on how these bills would affect them. The travelling committee had heard from businesses large and small. They had heard from municipal councils that would have the headaches of deciding on the rules for Sunday shopping and Sunday working if the bill were passed. They had heard from churches and from trade unions. They had heard from women's groups that would be greatly affected by Sunday working and the need for day care on Sundays. Such child care is not presently available in many cases.

The only reasons we had extensive public hearings of this sort was because the New Democrats insisted that province-wide public hearings be held over the summer of 1988. We had to extract this concession by reading some of the thousands of petitions which have poured in to the Legislature and the Lieutenant Governor opposing Sunday shopping and Sunday working.

Most of the people who appeared at these hearings spoke out against the principle of these bills, namely, the local option principle. They

also pointed out that this was contrary to the promise of the Premier (Mr. Peterson) in the 1987 election to bring in a common pause day for the province. They pointed out that at that time he did not mention local option as the answer to the Sunday shopping question.

Why then does the government think we need a draconian closure motion at this time? Why do we need a very severe limitation of debate in this Legislature? If the members read the government House leader's closure motion carefully, they will find that his so-called time allocation or closure motion will allow as little as three sessional days for all stages of the two bills following the report back from the justice committee on these two bills. This is what the government House leader thinks closure means. If this is what he thinks it means, it is a very draconian measure.

For a government which calls itself liberal—small-l or big-L—and democratic, this is a shocking abuse of power. This is an abuse of the rules of the House. This is an infringement on the rights of the minority in the House. In fact, it is contempt of the House. It is also contempt for all those people who appeared at the province-wide hearings in the last year.

Their views will not be brought to the attention of this House. The government will have no time even to attempt to respond to their submissions to the travelling committee in those three days. What a mockery they are making of public consultation. Is it a caring government without ears to listen? That is the conclusion that all those who appeared at the hearings will come to.

We know the real reason they are imposing closure. This cowardly government is tossing a hot potato to the local governments. It is using its top-heavy majority to duck out of its responsibility to improve the present store hours law and bring in a uniform, province-wide pause day. The polls indicate that that is what the majority in the province wants.

I recognize that the present Retail Business Holidays Act is not perfect. I recognize that it needs amendment and clarification. We do not oppose amendments to that act which eliminate anomalies and ambiguities.

The select committee of the Legislature on retail store hours travelled the province in 1987 to discuss the act itself and how it should be improved. It came up with a report which recommended sensible amendments which would remove most of the anomalies and ambiguities. These could still be enacted. We would then have a workable pause day law for the

entire province. We would save the province from the horrendous consequences of enacting Bill 113 and Bill 114. These consequences will be serious for all the residents of this province.

### 1510

The government has closed its eyes to the consequences in its efforts to use its majority and to duck its responsibility for bringing in sensible and reasonable Sunday shopping and Sunday working laws. It refuses to recognize that its avowed intent of improving the Sunday shopping and Sunday working laws will not be met by these bills. It refuses to recognize that these bills will inevitably have a domino effect and lead to a wide-open Sunday in most of the larger municipal areas, which will lead to a closed Sunday in smaller areas which cherish their common pause day. But this will be discriminatory in that some areas will have wide-open shopping and others will not. It will also be discriminatory in that some workers will have protection and some will not.

It shows that this government does not really care for consultation. It does not care for people. It does not care for fairness.

This legislation will affect women particularly, because they will be the ones who will be asked to work on Sunday more than others. At the present time, many of them are already working in part-time jobs, but this will further require all jobs to be made into part-time jobs in order to spread the shopping over seven days instead of six.

There will be no additional gain to the retail establishments. It will simply be spreading the sales over a longer period. This will greatly add to costs. There will be additional costs for transportation to and from retail shopping areas. There will be additional costs for day care for women and other workers who are working on Sunday. There will be additional costs for hydro, for street cleaning, for all the municipal services that must be provided. There will be additional costs for buses and transit, and there will be additional costs for administration and management of stores. The government is not really going to save money by this legislation; it is going to add to the cost of retailing.

It will affect municipal councils, most of which oppose this legislation. They will have to spend hours debating which establishments should be allowed to stay open on Sunday and which ones should not. They will have to be adjudicators between conflicting interests, some of which want retail establishments open and some of which want them closed.



It will affect small business, which will have its costs greatly increased. It will affect trade unions, which will have to fight for the rights of their workers who are asked to work on Sunday and who attempt to refuse under Bill 114. Bill 114 is so full of flaws as to how you determine whether refusal is reasonable, which is what the bill deals with, that there will be endless disputes, arbitrations and court cases to see who really is protected by that legislation.

Thousands of people will be asked to work on Sundays who will not even seek the protection of that legislation because they will be afraid to oppose the demands of their employers. They may not belong to trade unions and have no protection if their employer says they must work. They do not know what tribunal to go to in order to protect their rights.

It will be an unenforceable bill. I am sure the Attorney General (Mr. Scott) knows that it is unenforceable. He introduced such a bill a couple of years ago when there was a spate of Sunday openings. When the situation was somewhat cooled down by the Supreme Court decision that the act was constitutional, he did not pursue his bill; he let it die on the order paper. So even the Attorney General knew he was just grandstanding and attempting to show that he was interested in protecting the workers.

I sent out one of my riding reports entirely on this subject of Sunday shopping and Sunday working. I put in it all the arguments, pro and con, and discussed the issue. Then I said: "If you feel that this is the kind of legislation we should not have in this province, would you sign a petition which is on the back of this riding report?"

I got 2,514 signatures back from that one mailing. That is a very large response. My ordinary riding report response when they have to mail back a questionnaire is anywhere from 300 to 1,000. It shows there is a widespread feeling out there that they are definitely in favour of a common pause Sunday which would treat everybody equally and fairly and are not in favour of a wide-open Sunday.

Of course, those who may be in favour did not send in the petition, but as the response to it was more than twice, almost three times, my normal response, it indicates that there is a majority out there opposed to it.

I appeal to the government to change its path and recognize that this is a mistake; it should admit it is a mistake which the people of this province do not want to see it make. The government must show that it does care for

people and that it is not just seeking to help retailers make more bucks by offering local option to the municipalities. It must show it is concerned about the social problems created by widespread Sunday openings and widespread lack of store hour control. It must show it is really concerned about people who will be required to work on Sunday against their will and will find Bill 114 extremely poor protection.

To increase competition in this way is wasteful and does not add to the development of the economy. In fact, it takes away from it by adding extra costs. It defies what has become the "money culture."

I hope the Solicitor General (Mrs. Smith) will disavow her support for these bills and withdraw them, because that is the only way the government can prove it does listen and does care. It is the only way the government can admit it has made a mistake. Make the withdrawal of the bills the action next week, and then we could get on with some sensible amendments to the Retail Business Holidays Act as soon as possible. Time would be freed up in the Legislature for other business.

I do not understand why the government insists on this attempt to jam through by closure and time allocation bills that have never been properly discussed; we must continue to fight because the government has not discussed the statements of the majority of people who have appeared before it.

I really do appeal to the government to show it is a different government, if it thinks it is, a Liberal and caring government, by withdrawing this very horrendous legislation which will have terrible social effects in this province.

**Mr. Morin-Strom:** I understand we have a rule—I cannot remember the number—that has to do with the number of members who are supposed to be in the Legislature while we are conducting business. I wonder if we do have a quorum here at the moment.

The Acting Speaker (Mr. M. C. Ray) ordered the bells rung.

1521

**The Acting Speaker:** The Clerk advises that there is now a quorum present.

**Mr. Runciman:** I am pleased that a number of Liberal members have been found lounging in the corridors and have been dragged in kicking and screaming to participate in this most important debate.

**Mr. Ballinger:** How can the only Tory in the House say that.

**Mr. Runciman:** Was it necessary to point that out?

In any event, I want to put a number of things on the record with respect to the motion we are debating here today, the effort at allocating time in this House.

During the course of this debate, some quotes of historical importance with respect to the government House leader—comments he has made in the past in respect to similar initiatives—have been placed on the record. In case they have not been, I want to put a couple of quotes on the record from the leader of the Liberal Party that deal with the question of time allocation.

This is from December 8, 1982, Hansard, page 5948, quoting the member for London Centre (Mr. Peterson):

“As my colleague pointed out, there were other options. That is why we cannot support this motion for closure, guillotine, phase closure, time allocation or whatever one wants to call it.”

Again, I gather in the same debate:

“I have the right to pursue the most vigorous opposition that I can pursue, and the longer I am here the more I believe very strongly that the opposition is the only thing that stands between government and the sheer, naked use of power. It is the only check we have in the system, and I believe it is our responsibility to exercise it in as responsible a way as we can.”

**Mr. Mackenzie:** Who said that?

**Mr. Runciman:** That is a fellow by the name of Peterson, who is the current leader of the Liberal Party of Ontario.

Another quote from him in that same debate:

“Speaking for myself and for our party, I say that part of our responsibility in pursuing what I hope to be a vigorous opposition is that we want to amend the bill and make it better. We regret very much that we have been precluded by certain kinds of behaviour from having that kind of discussion.”

Here is a quote which my friends in the official opposition may not appreciate, but it is certainly relevant to the discussion we are having here today, again from the member for London Centre: “We regret the use of” guillotine or “closure and the fact we are being punished for the NDP behaviour. We believe that a rational, sensible approach to this whole matter is being precluded from being discussed because of government overreaction to a series of irresponsible behaviours.”

**Mr. Philip:** You talk as though we were the real opposition back then, just as we are now.

**Mr. Runciman:** They may have been back then. I will not take issue with that point of view, but I might have to take issue with the position they take in respect to the current situation.

I think the member for London Centre made a valid point at the time when he said there were other options. Obviously, those other options were not explored.

I am not going to make any effort to get into personalities with respect to the legislation before us, but I know concerns have been expressed in the past about the approach to negotiations and dealings with opposition parties on the part of the government House leader. I think we have seen some changes take place in the last year. We thought there were positive signs there. If we reflect upon his service in that role, and obviously we go back to the lengthy debate on the free trade position that took us over the Christmas period, there was certainly a very significant deterioration in relations between the government and the two opposition parties.

I think there was a feeling abroad at that time that perhaps the government, as represented by the House leader, was not significantly concerned about the maintenance of comfortable relations, shall we say, with the two opposition parties. Initiatives were being undertaken without due consideration of the impact they might have on the other two parties represented in this House. As a result, we have had some pretty nasty things occurring, things that I do not think any members of this House would like to see repeated.

With respect to this particular initiative, if we look at the federal experience—and I am not a parliamentary historian by any stretch of the imagination—I believe there has been, certainly in the last number of years, even in the instances of time allocation a close collaboration and discussion with the opposition parties in the federal House. When time allocation has been resorted to at the federal level, in recent years in any event, it has not been an initiative that was brought forward without careful discussion with the other parties represented in the federal House.

Again, I know the government party has on numerous occasions expressed its frustration with the process in respect of Sunday shopping legislation. At the same time, they have to appreciate the very real concerns of many, many people in this province who are being represented by a relatively small number of people in the official opposition and within our party as well. We are looking at 34 or 36 members of the



opposition who have to speak out on behalf of concerns widely held across this province. We are certainly not getting it from members of the government party, who have the audacity to stand up in the House and table petitions of opposition on behalf of their own constituents but at the same time are not prepared to stand up during debate in this House or during the committee process and speak out on behalf of those people they purport to represent.

Our leader sent a letter to members of the government party, as you may be well aware, Mr. Speaker, encouraging them to stand up when this comes to a vote, which obviously it eventually is going to come to, and represent the people in their own ridings. The Premier has indicated to the House that this is going to be a free vote, that they are going to be allowed to stand up and do just that.

I would hope that he is going to take advantage of that opportunity and do so. It would certainly be encouraging, I think, not only to us as opposition members but also to people across this province, if we have a number of members participate in the debate as well and very clearly indicate the opposition views that are held within their own constituencies.

1530

The reality is that many of those people are simply not being provided adequate representation in respect to this issue, so the opposition parties have had to assume that additional burden. We are not speaking only on behalf of the New Democratic Party or the Progressive Conservative Party of Ontario; we are speaking on behalf of those thousands and thousands of Ontarians who are not being adequately represented on this issue by the overwhelming number of Liberal members in this Legislature. There are 94 of them and we have not heard one of them, to my knowledge, stand up and express even reservations about this legislation. Certainly no one is standing up strongly opposing it, although we know that there are members of the governing party who do have considerable reservations.

In any event, I am trying to elaborate on the justification for the length of this debate. It has gone on for a rather significant period of time, there is no question about that, but I think the fact is that we as an opposition have had to take on that added responsibility, and I think that has to be appreciated by the members of the governing party as well.

My colleague the member for London North (Mrs. Cunningham) had the good fortune to attend the Commonwealth Parliamentary Asso-

ciation, Canadian Regional Council seminar in British Columbia last year. She delivered a paper on, of all things, allocation of time. I would like to put into the record a number of the comments she made during that address. I think they are certainly most relevant, given the nature of this current debate. The member said:

"It is widely regarded"—and we are talking about time allocation or guillotine—"as an extreme limit of procedure and can be argued to be a measure which affirms the rights of the majority at the expense of the minority in the House. In Ontario, the standing orders contain no specific provision for an allocation-of-time motion."

We have been through this, I guess, since 1982, and although I was not in the House when the Speaker rendered his decision on the challenge to this motion, I am sure he made reference to precedents in this Legislature. The motion is in order, in previous Speakers' views, based not on the rules of the House but on precedent and parliamentary tradition.

Of course, the member for London North made reference to Bill 179, the Inflation Restraint Act, 1982, and I gather that the comments of the current Premier were directed towards that particular piece of legislation.

I do recall the debate and I recall the rationale behind the NDP's opposition to that particular initiative. The bill was introduced in the House on September 21, given second reading and referred to the standing committee on the administration of justice and then came back into the House five days later with the time allocation provisions, and we know what transpired subsequent to that.

There have been a number of other initiatives as well since that time.

As we know, back in 1982 the member for Renfrew North, the current government House leader, was then the Liberal Party's deputy leader. I am not sure what has happened over the years. He is now the House leader and no longer the deputy leader of the party. Perhaps he can bring us up to speed on what transpired at a later time, but the deputy leader of the day expressed concern about "so serious and so significant a new departure in terms of the way we have conducted ourselves in this Legislative Assembly for lo these many years."

It was true that the Legislature had before it a motion that was unfamiliar to its proceedings and serious in nature. As I pointed out, the Speaker of the day, the former member for Peterborough, pointed out to the House that there were

precedents for the motion at Westminster and in Ottawa.

I would like to put into the record a number of other comments from the speech given by the member for London North. She makes reference to, "The previous initiative by this same government in 1986, then existing in a minority situation. The Liberal government introduced time allocation for the consideration of Bill 94, An Act regulating the Amounts that Persons may Charge for rendering Services that are Insured Services under the Health Insurance Act."

Of course, we all recall that was Bill 94, the extra-billing debate.

"This motion, like the 1983 motion, contained specific dates. However, in this instance, although there was some debate on the motion, the opposition had agreed in advance to the dates in the motion."

Time allocation is a serious and extreme procedure that Ontario governments have had to resort to on only four occasions in the last 121 years. The Legislature, over those years, has instead relied on voluntary agreements between the parties to secure progress on most controversial matters.

I think that really expresses the concerns that we have in this party. There is no middle ground in respect to the initiatives that the government has undertaken in respect to time allocation. There has been no real consultation with the opposition parties in an effort to try to achieve some satisfactory resolution of how to deal with this bill and how we might finally resolve this whole question of concern.

I think it is appropriate to make some brief comments in respect to what happened over the Christmas period. I was fortunate enough, or unfortunate enough, to sit through the hearings of the standing committee on administration of justice since the House resumed. The deliberations undoubtedly went on at great length, but during the course of those proceedings there were a number of amendments agreed to by the government. There were a significant number of other very important amendments, put forward by both our party and the official opposition, that would have been positive in respect to how this bill would have dealt with businesses and, more important, working people across this province, but the government was not prepared to budge on those meaningful and substantive amendments that the opposition parties put before it.

Instead we were constantly subjected, as members of the opposition, to harassment from government members sitting on that committee,

interjections which for the most part did nothing but take up the time of the committee and aggravate members of the opposition, generating bickering that certainly was unnecessary and consumed time needlessly when we could have been dealing with the very real concerns of people across this province.

We were, on a daily basis, frustrated by the interjections and tactics of the members of the governing party sitting on the standing committee on administration of justice.

#### 1540

I do not know if they were operating under directions of the government House leader, or the Solicitor General, who is responsible for this legislation, Bill 113, but in any event it was a very frustrating experience. I think those of us who sat on that committee wanted to play a meaningful role in the deliberations on Bill 113, wanted to have an impact on the final form that this bill took when it came out of committee and was tabled in the House, but as I say we were frustrated at every turn by the activities of government members sitting on that committee.

On a couple of occasions, we attempted to have the Solicitor General appear before the committee to deal with specific concerns that were being raised. She did appear, as I recall, on one occasion, very briefly, near the end of the day; but other than that she was unwilling to allocate a specific amount of time every week during the process to meet with the committee and deal with concerns that had been raised at earlier hearings.

I think that was a legitimate request at the time. We were suggesting meeting on Mondays and Tuesdays of every week and that the minister allocate enough time in her schedule to spend the last hour of the committee hearings with us on each Tuesday to review the deliberations and the discussions that had taken place on Monday and Tuesday prior to the last hour of the committee hearings so that we could review those with her, get her input into the very serious concerns, amendments that were being proposed and so on. The minister declined to play that kind of an active role with respect to this important piece of legislation.

Again, members of the opposition parties felt extremely frustrated in their efforts to get meaningful answers and responses from the government. We were left with the parliamentary assistant for the minister to try and respond. I certainly do not want to say anything of a negative nature in respect of the member for St. Andrew-St. Patrick (Mr. Kanter). He did his



best. He tried valiantly, there is no question about that, but I think he was operating with one hand tied behind his back. He was not able, in his role as parliamentary assistant, to be as frank and open as we would have hoped the minister could have been before the committee.

**Hon. Mrs. Smith:** Nonsense.

**Mr. Runciman:** The Solicitor General sees fit to interject at this stage, but when the committee encouraged her, implored her, to make herself available for one hour out of the week during the committee hearings, she was unwilling to do it. She was prepared to drop by the committee for 15 minutes one afternoon and say: "How are you, folks? I cannot be here."

Now she is here for this debate and she wants to interject and be critical of me and members of the opposition party who are carrying the burden in terms of the concerns that are out there in the public. We 30-some members of the opposition are carrying the burden for those 94 Liberal members who do not have the intestinal fortitude to stand up on behalf of the people they are supposedly representing.

I am trying to give the House an explanation of why this debate has gone on at length, the frustration members of the opposition have felt and the lack of co-operation that has been forthcoming from the government, from the minister herself and from the government House Leader throughout this whole process.

**Mr. Haggerty:** You call them amendments?

**Mr. Runciman:** I want to tell the member for Niagara South that I listened very carefully throughout that whole process. I sat through those lengthy deliberations. That is no fun, as the member knows. He has been around here a long time. When you are talking about one particular piece of legislation at length, it does become a little tedious. There is no question about it.

But I think we felt, as opposition members, that we had a special responsibility with respect to this particular piece of legislation because of the widespread opposition to the legislation in the province and because of the deeply-held views of members in this party and in the official opposition with respect to the impact this legislation is going to have on Ontario, especially the impact it is going to have on family life in this province.

It is going to have an impact on low-income earners and single-parent families, the people at the lower level in terms of income-earning capabilities in this province, who are now going to find themselves pushed into very difficult circumstances and required, because of the

domino impact this is going to have across the province, to have to work on Sundays.

That is the reality of the situation. We can be jocular about this; we can kid around. We can have interjections from members of the governing side ridiculing us for our views, criticizing us for the length of this debate, but the reality is that our concerns are very deeply held and we are representing the concerns and views of a great many people in this province.

Someone has to do it. The members of the Liberal Party, many of whom may share our views, have decided for reasons of party discipline, perhaps for reasons of ambition—we all know the game; no one wants to be in the Premier's bad books. There are rumours of a cabinet shuffle coming up next month. The member for Niagara Falls (Mr. Kerrio), I am sure, is somewhat nervous about that. The Solicitor General, I am sure, may not be sleeping easily these days because of the way this bill has been handled.

We know at the same time that there is a horde of ambitious backbenchers and we have perhaps the most vocal group sitting over here in the rump. I think they see it as a special opportunity, since they are facing the Premier and the Treasurer (Mr. R. F. Nixon), to be recognized; that the Premier and the Treasurer will recognize the member for Durham-York (Mr. Ballinger) or the member for High Park-Swansea (Mr. Fleet) with their very noisy interjections on frequent occasions, which undoubtedly contribute little or nothing to the deliberations that are under way in this House.

When you are talking about such a large caucus, 94 members, you have to appreciate the position of members, the view that members like the member for High Park-Swansea take. It is a large group of people. They are sort of unknown figures in this 94-member caucus and they have to take every opportunity they can to stand up and wave their red ties, in the high hopes that the Premier and other powerful forces within the government will recognize them.

One thing they obviously do not want to do is to stand up on a high-profile issue like Sunday shopping, and say: "Mr. Premier, I'm going to stand up on behalf of my constituents. I'm going to stand up on behalf of the people who put me in this House to represent them." That is not happening.

**Mr. Fleet:** That's exactly what I did.

**Mr. Runciman:** That may well be happening with the member for High Park-Swansea, but we know that there is a significant number of

members in this House, representing essentially rural ridings, ridings where the feelings are very strongly against this initiative. Where are those members today? Why are they not participating in this debate?

I know when we start talking about Bill 113 the members on the governing side who participate, who make a contribution to this debate, are going to say wonderful things about Sunday shopping; that it is the greatest thing for this province since sliced bread. We know that is what is going to happen. We know that is what they are going to say. It is terribly and sadly predictable.

The people of this province want to see different things happening in this Legislature. They want to see different things happening at the federal level. They want to see a diminution of party discipline in both the Legislature and the federal House. They want to see members standing up and speaking their consciences, speaking on behalf of the people they represent and not always singing from the same hymn book as the leader of their party.

That is what people would like to see happening more and more often. It is very regrettable in my view that it happens infrequently. We have seen—I always have difficulty locating his riding—the good doctor, the member for Etobicoke-Humber (Mr. Henderson), on a couple of occasions in the last session anyway, take a position that was clearly different from that of his government. As I have said in this House before, it takes a great deal of courage to do it on an individual basis, to make that kind of decision as an individual member and stand up in opposition to your party and to the leader of your party.

#### 1550

When we are dealing with this particular initiative, I think it takes perhaps a little less courage, because there is such a significant number of players over there, and over here, who are genuinely uncomfortable with this bill. I think if they get together at their coffee club or their caucus gathering or their table in the Legislative dining room, they may find it within themselves, as a small group, to stand up and say: "We are uncomfortable with this. We do not want to see this proceed in its current form."

That would be a very pleasant surprise, not only for the members of the opposition in this House, but I believe for the people of this province, to see that kind of intestinal fortitude, that kind of stand on behalf of the people they represent. I am not optimistic at all we are going to see that occur.

I want to talk briefly about what happened during the Christmas period and the Boxing Day holiday situation. Perhaps there has not been enough emphasis on this, but certainly in the Metro papers there was a great deal of kerfuffle at the time that a number of stores were going to open on Boxing Day. Prior to the adjournment, the leader of our party suggested immediate agreement to amend the Retail Business Holidays Act to significantly increase the fines for violation of the act. As some of the members may recall, he suggested an increase from the \$10,000 maximum fine, I think it is, to a \$50,000 maximum fine.

That was something that would have addressed the situation over the holiday season. In any event, what happened over the holiday season was that we did indeed have a number of violators of the act, but they were modest in number. The reality is most people in this province are law-abiding. Most businesses in this province want to be law-abiding and they respected the current act, the Retail Business Holidays Act.

Despite the fact they could have been operating and making profits significantly higher than the daily fine in the current act, they did not open. The overwhelming majority of them did not open. The bottom line on that is that by and large the current legislation works. Our leader suggested, and I am sure members of the official opposition have made comparable suggestions, modest changes with respect to the penalties in the current act which would have addressed the modest number of people out in the business community who want to challenge the current law.

We know of Mr. Magder, the furrier in Toronto who continually opens his business on Sunday in the face of the law. I think increasing the fine to perhaps the \$50,000 suggested by our leader would very effectively deal with people like Mr. Magder. We would not, as the government is proposing with its current slate of amendments, be throwing the baby out with the bathwater. That is effectively what the government is doing.

What they are also doing is compelling a lot of people in this province to work on Sundays, many of whom are in difficult circumstances. They are also ultimately going to compel most of the municipalities of this province to open up on Sundays. That is effectively what they are doing.

**Mr. Fleet:** That's not true; that's not affected by the bill.



**Mr. Runciman:** I think they have to appreciate the concerns that we have been attempting to put on the record over the number of weeks we have dealt with this in committee and again been frustrated at every turn.

We have had members like the member constantly interjecting here. We have had the member for Durham-York. We have had even the parliamentary assistant, I regret to say, trying to throw roadblocks in our path at every turn. It has been a very difficult situation for those of us who want to see the parliamentary process work as effectively as it should.

**Mr. Fleet:** You interject all the time in the House, Bob.

**The Deputy Speaker:** Order, please.

**Mr. Runciman:** We are dealing with a massive majority here, an unprecedented situation in Ontario where the governing party has 94 members—count them, 94 members—

**Mr. Fleet:** Good every one.

**Mr. Runciman:** —and a very modest number of opposition players who have to carry the load.

We have to carry the load. We have government members like the member for High Park-Swansea, who has very little to do with his time other than come into this House and try to disrupt the very valuable contributions opposition members are attempting to make.

**Mr. Fleet:** If we hear a valuable one, we'll ignore it.

**The Deputy Speaker:** Order, please. One member at a time. The member for Leeds-Grenville (Mr. Runciman) is the only one who has the floor.

**Mr. Runciman:** Thank you, Mr. Speaker, I appreciate your intervention.

It is a difficult time for those of us in the opposition. When we look at the efforts being made by the governing party to obstruct our very real efforts to attempt to convince this government to see the error of its ways—we are making, I think, some valiant efforts under very trying circumstances—we have indeed, and I think it was pointed out, an arrogant government to deal with, and constant harassment.

We have seen this in the House day in and day out during question period, where the ministers not only refuse to answer questions in any meaningful way, but when opposition members are responding to statements, when opposition members are attempting to place questions, we have that overwhelming majority of Liberal backbenchers attempting to obstruct our efforts

by catcalls, loud interjections, an extensive volume of noise.

**Mr. Fleet:** You interject more than anybody else.

Interjections.

**The Deputy Speaker:** Order, please.

**Mr. Runciman:** It is an extremely difficult situation we find ourselves in and I think the people of Ontario are soon going to start to recognize the fact that we are dealing with an arrogant government, the fact that we are dealing with a group of people who are not prepared, even with the significant majority they have, to give the opposition an opportunity to express its views and opinions. They are simply not prepared to give us that opportunity; they are not prepared to listen.

During the whole course of the deliberations on Sunday shopping legislation, that has been the hallmark of this government. They have not been prepared to listen to the people of this province.

**Mr. Matrundola:** On a point of order, Mr. Speaker.

**The Deputy Speaker:** Order, please. Does the member have a point of order?

**Mr. Matrundola:** Yes, please.

**The Deputy Speaker:** Under which standing order?

**Mr. Matrundola:** I really do not know under which standing order, but I would like to tell you what I have to say, Mr. Speaker. I object to what the member opposite is saying.

**The Deputy Speaker:** That is not a point of order.

**Mr. Matrundola:** I believe this chamber should be used to the benefit of the people of Ontario at large. We are here spending time at the taxpayers'—

**The Deputy Speaker:** Order, please. That is not a point of order; that is a point of opinion. The member for Leeds-Grenville may proceed.

**Mr. Runciman:** That is a regrettable intervention, but it is indicative of the kinds of things that we, as opposition members, have had to live with throughout the course of the deliberations in this legislation. We have had that kind of tactic used against us, every obstructionist method they could come up with—interjections, points of order. It has been extremely difficult.

**Hon. Mr. Conway:** Don't provoke this man. Just cool it. Be calm. This is not a man to be toyed with. I warn you; you've had previous experience. It is not helpful.

**The Deputy Speaker:** Order, please. The member for Leeds-Grenville has the floor.

**Mr. Runciman:** I want to acknowledge the House leader's comments that he does not want to get me agitated. We have talked about this before and I agree that on occasion I do get agitated, perhaps overly agitated, but I want to say—

**Hon. Mr. Conway:** Those kinds of incidents I don't want to have to deal with.

1600

**Mr. Runciman:** I appreciate that. But I want to say that when I do get agitated, I like to believe, anyway, that I get agitated about very serious issues. I have some deeply held concerns about issues that affect this province. When I express my views, they come from the heart and I feel quite strongly. I cannot help it that on occasion I express them in very strong terms. I am not about to apologize for that.

I do not want to go on at any further length. I have made my point with respect to time allocation. I think it is an inappropriate initiative on the part of this government, but it is the sort of thing we have been faced with as an opposition.

The government members do not want to hear the arguments. They do not want to listen to the people of the province who have concerns about this. They have simply adopted a stance that only they are right and they are going to forge ahead with this despite the wishes of the people of Ontario, despite the concerns of many groups in society that will suffer directly as a result of this very unfortunate initiative.

**Mr. Mackenzie:** My comments will not be lengthy on notice of motion 20, the closure motion we have before us; time allocation, as the government House Leader likes to defend it. What I would really like to say to the members in the House and for the record is really a question: Why do we have this closure motion before this House now? Why the kind of rather draconian measures that have been taken at this point in time in Ontario and in this particular debate?

To add a measure of warning to the members of this House and to the government—I am not sure they are open to any suggestions, especially if you class it as a bit of a warning—I would simply like to say that bad moves such as closure motions have a tendency, once you take them, to get easier and easier; easier the next time, easier the time thereafter, easier every time they are used.

It is legitimate to ask why a government with 94 members—I think my colleague who spoke

just prior to myself was right to point out some of the numbers—needs in effect to cheapen democracy with this kind of move to handle 19 New Democrats and 17 Conservative members of parliament. There are 36 members sitting on this side of the House; there are 94 government members over there. We are outnumbered well above two and a half to one and they have to resort to this kind of action in this house.

Why? Let's ask the question, why? Is it incompetence in this new government that it cannot handle the business of the House with 94 members when it is facing only 36 members in opposition? That might be a legitimate consideration, given some of things we have seen happen over the last few months in particular. It is certainly one question.

Is it that they are unsure of themselves? They certainly do not try to give that indication in the heckling and the comments we hear in this House.

Are they fearful of a time frame, that in dealing with an issue as important as this one—I am hoping they recognize its importance—they may not be able to keep the troops in line that long? It is an issue I thought a few members might have been speaking out on, inasmuch as some of them certainly did not indicate before the last election the position this government has taken. Have they all been totally convinced? Are they convinced that easily, and 94 members are convinced just like that? Is there no danger of any kind of revolt? Another question is, did they learn nothing in 42 years in opposition in this Legislature?

I think they are legitimate questions. Maybe some of the members do not want to take on the debate in the more lengthy time frame that might be necessary without the closure motion, because maybe a lot of them would have to speak. I have not heard very many, if any, of them speak in this round in support, other than the opening statements of this closure motion. I suspect there will not be that many speaking in terms of the four days we are limited to on the bill itself.

Maybe a number of them do not really want to be on the record that clearly when it comes to how they made their arguments on this legislation, or could it be, as has also been suggested, just a colossal sense of arrogance? We have to wonder when we are dealing, once again with numbers such as 94 to 36, a majority of more than two and a half to one in this House.

I would like to say that all these arguments, inadequate as they may be, would be preferable in my mind to what I fear is really the case. Apart



from a decision they have made on this piece of legislation for reasons I find very difficult to understand, is it evidence of further coverup, further lack of accurate and honest information and positions, further misstated and untrue commitments made to the people of this province?

Is it possible that this Peterson Liberal government, which has backtracked on so many comments, on so many commitments, would be waiting for this House to rise, as others have suggested, delaying some of the exposure to yet another serious broken promise that I think is going to cause it a fair amount of problems?

They have put off from February 2 until about February 24, as I understand it, reporting on the committee that is dealing with what auto insurance rates should be in Ontario. We all know that you take a little less flak and that it is an awful lot easier to deal with something as controversial as perhaps a major increase in automobile insurance rates if you are not on the firing line for the next week or two in this House. Is it just that they would like to get out of here and be able to make the announcements when this House is not in session?

Forgive me and forgive members on the opposition side of this House for raising that kind of question, because we have seen a number of issues where there has been either some backtracking or total lack of action. These include pension indexing and plant closure legislation, which was certainly an issue today and is, I believe, being discussed in the Premier's office right now. Another is the inadequacy of home care and the kinds of pressures it took to get some movement in terms of the Red Cross's portion of that home care assistance.

The energy cost reductions for northern Ontario were a recommendation of one of the committees of this House, which even a majority of the Liberal members supported, but which we are seeing no action on whatsoever. This is to say nothing of the commitments that were made and not carried out by this Premier in terms of the free trade debate, which the public was exposed to in Ontario.

Given all the backtracking we have had on what were supposedly firm commitments such as, "There will be no deal on the free trade issue," and, "I have a plan for cheaper auto insurance," issue after issue has proved not to be the truth.

We are now facing, of course, a move that is going to hit how many drivers in Ontario and how many in the categories that are likely to get hit particularly hard, young drivers—hundreds of

thousands of drivers—probably with a major increase. Do they want to get out of here before the announcements are made and save a little bit of the flak they are likely to run into?

I think the record of this government indicates there may be some validity in a charge like that. Quite frankly, that is why I said that in my opinion that is worse than some of the other questions I raised a little earlier in this debate.

I think this government's honeymoon is coming to an end. It has been a particularly long one. Their record is being exposed and there are questions now being asked about commitments they made that are not being carried out.

It seems to get easier every day for somebody like the Attorney General, who obviously was totally opposed to this legislation a year ago and is now totally on side. When he tells us there is no opposition anywhere in the 94-member caucus over there you have to begin to realize that the tarnish is starting to show a little bit.

Another thing bothered me a bit as I listened to one government defender, the government House leader, and his defence, which I would call coming close to desperate, on the Sunday shopping issue—as was his rather wooden performance on television the other night on the Provincial Affairs program.

#### 1610

**Mr. Philip:** He could not even look into the camera.

**Mr. Mackenzie:** You could see the teleprompter in his glasses; that was one of the things. I have never before seen him, as a member, have difficulty in speaking. He is one of the better and more flamboyant speakers in this Legislature. It was certainly a wooden performance that night in terms of the defence of his government's record on Sunday shopping.

In his defence—and I did not try to take all of his words down, but I sat through most of his defence—he said: "What is the opposition talking about? They are talking about an inadequate time for people to look at this bill. We are moving closure. We have given them 60-some days, in which they have stalled and in which we have had this issue before us. We held hearings and we did listen to them. We also moved amendments to this bill. So it is not fair to say that we have not been listening."

There are ways of saying things and there are ways of saying things. Anybody who is in this House knows that the groups that appeared before the committee that was dealing with this issue were overwhelmingly opposed to it, both in the numbers they represent and in the presenta-

tions. I think there were 20-some groups that supported it and only one of them came out with a really strong argument and rationale for it. That, of course, was Cadillac Fairview, as somebody mentioned earlier. I think the reasons there are fairly obvious.

The vast majority of groups, certainly the groups that represent ordinary people in the province, whether it was church groups—and I am not putting in this list the smaller retail merchants, who have a fairly good organization and who are not happy with it—union groups, which of course are automatically suspect to some members in this Liberal government, most of the concerned community groups and womens' groups, were opposed to it.

I think we can underline that very effectively. I do not think we have to go very far. It was obvious at the time and I think it is even more obvious. I am not making a defence of the bill. I am trying to argue before this House why we have this motion before us. The defence and the reason for saying, "We have talked long enough, we have listened to the people, we have moved amendments" is really not—

**Mr. Fleet:** You got it.

**Mr. Mackenzie:** The member is not sitting in his seat. If he wants to be challenged, fine. He should go over to his seat if he wants to do his heckling.

This House leader said on behalf of the Peterson Liberal government, "We have listened to the people." I am not sure at all that they were listening, if the letter from Cardinal Carter, which was read in most of the churches last Sunday, means anything. I am not sure if they were listening, if the comments of Archbishop Bothwell, a senior bishop of the Anglican Church of Canada, who was in the paper yesterday or today, mean anything in their appeal to the Premier. I would say they are two very—I do not like the word "powerful"—certainly two very committed men. I do not always agree with either of their positions. They are honest and straightforward gentlemen who represent large and, I think, honest and committed forces in our community. They certainly made it very clear that this legislation was not what they wanted.

I could not help but pull out one little article that appeared in the *Globe and Mail*. I think only two paragraphs are necessary. It is the article by Thomas Walkom. I am not just sure who that reporter is, but I found his comment in today's *Globe and Mail* interesting. He said:

"My mother telephoned the other day to talk about Sunday shopping. She said an argument

made earlier in this column—that those retailers opposed to Sunday shopping simply want to save money at the expense of consumer convenience, was interesting but missed the point.

"The point, she said (politely and without wanting to cause offence), is that many of those who would be liable to work on Sunday under Ontario's proposed legislation are women with children. And Sunday, she pointed out, is now the only day of the week when these working mothers have a chance to see their school-age children."

Another group—and there is a sizeable number of these people if you stop and think of it—that believe there is validity in the pause day approach we have taken in society in Ontario. I think you are touching there on two of the largest church groups in our country and a very astute observation by the mother of a reporter who may or may not be part of this gallery, I am not sure, who simply underlined what I was saying.

The government House leader said: "We have listened to the people. You have had enough time and we have responded to their wishes." There is no indication in the very minor amendments that were moved in that committee by this government that it responded to any of the concerns. Certainly the fundamental issue remained a hard-line government position from day one and even those members who had some doubts about it have obviously been totally whipped into line.

You have to wonder why they are supporting the bill and who supports it.

I raised the question that this government may have become gutless enough that it does not want to be here when it has to jack up the insurance rates for an awful lot of people in this province substantially. I think that is a legitimate one.

I think that they have not done too well over the last few weeks in this House in terms of some of the issues and the people's perception of them. I certainly got that indication as I watched the nurses' demonstration and their dealing with our Minister of Health (Mrs. Caplan) outside this House today.

I certainly do not get the sense that the people in this province—and certainly it is my position; I make no apologies for it—want to go down the American path of a much more wide-open, commercial society. I think one of the strengths of this country has been that we have not done that.

I know the feelings of a good number—not all, by any means—of the constituents in my riding. My colleague the member for Beaches-Woodbine (Ms. Bryden) mentioned the survey



she had done with 2,200 and some responses. We had about 3,000 responses in a similar survey in my riding, and they ran almost 90 per cent. I do not claim either, as some of my other colleagues have, that that is a scientific survey, but it was interesting that you did not get the putdown or the arguments in favour of it. They were almost neutral, those who did not become part of the 90 per cent who said, "Hey, this is not the route that we want the province to take."

The government House leader also said that there was a responsibility on the part of the Peterson Liberal government to follow through and to show responsibility and to get the job done.

Once again, what kind of a job and for whom? Are the Cadillac Fairviews that powerful? I know there are an awful lot of new malls in our communities these days, and I know they have a tendency to put the screws to the tenants in those malls, not just the big chains that might be perfectly willing to open, but they put the screws to the tenants. If they are going to open on Sundays, those individual tenants are going to open as well and are going to be forced to comply, whether they want to or not, with this legislation.

I would be very, very surprised if anybody would get up in this House and tell me that they are not going to pay a little extra rent as well for that extra day they are going to be open and for the services that are provided, whether they want it or not.

I think it is legitimate then to ask the question. Cadillac Fairview made about the only really positive presentation to the committee favouring this legislation. If this government is being responsible, as the government House leader said, and we are listening to all the people, how come the Cadillac Fairviews seem to have so much influence? Why do they not tell us who else favours it?

They have not told us who else. They have not told us any other group in society, when obviously they do not have the churches on side, they do not have the unions on side, they do not have single mums and working mums on side. So many of the groups in society that do not want to see this particular change are not on side, are saying no and are going to the church pulpits to say so, which you do not often see on issues that come before the government of Ontario. Who has all the influence?

It leads you to believe that what I said about it being a straight payoff, a straight not wanting to be here when there are further difficult decisions

that are going to benefit only one group in society and not the largest group in society.

They can forgive us, whether they accept it or not, for raising that as a legitimate question. I think people out in the community are raising it as a legitimate question too.

Why should we be changing the pattern in this province, the pause day we have, the desire of most people involved in the retail trade not to have to work on Sunday, and with no great demand coming from workers?

If there was a great demand I would see it. A lot of the workers in my town, Stelco workers, have to work on a Sunday and they are in a continuous shift operation. Sure it would be more convenient, but as I have said before in this House, I am rather proud of the position they take through their elected representatives, and it gets debated occasionally on the floor of the meetings, that they have a responsibility, not just to their own members but to the members that might be involved in those trades and the public at large that might have to change patterns and lifestyle in Ontario.

**1620**

I think there are legitimate questions to be asked as to why the narrow point of view is being endorsed by the Peterson Liberal government in this province and why it feels so threatened. I cannot understand it, because I suspect that their Treasury is not that limp right now, given that they have had a few years in power. Why are they so concerned that they have to kowtow to these narrow interests? Can they tell us, which they have not done in this debate to date, can they honestly tell us—not as the government House leader tried to, that they have listened to the people, but set out the interests and the groups they have listened to? Is that not a legitimate question for this government? They certainly are not answering it.

Certainly, my reaction to this legislation is anti. I do not think we need the Sunday shopping bill. I do not think we need the problems we are going to have for the next considerable period of time in Ontario, because my city has already gone through it when we had malls in the east end of our community, the Stoney Creek area, Fiesta Mall and so on opening up a few years ago. There was a real hassle because they did not want to, but then the pressure came from the merchants in Hamilton and the other areas of the Hamilton-Wentworth region. "We are going to have to open because we cannot face the loss of sales if we do not enter the competition." You are going to have that kind of potential domino effect right

across Ontario. Some areas will be much tougher than others and will hold tight; some will not. A lot will break, not because they want to, but because a neighbouring community did and they were forced to.

I do not think this kind of additional commercialization really has any place in the fabric of the society that we know in Ontario, and I do not think breaking down the idea of a pause day for families, the idea of a day of rest, has any place in this province either.

I think this government has made, one of the few times—and I have said this before, I really do have difficulty—a decision that is a bad one, that does not make sense, and yet it finds itself locked into an absolute, negative reaction to any suggestions either to go on the back burner or to change in any way, shape or form whatsoever. That is why I think it is legitimate to ask, what is the reason for this kind of a closure motion? To get out of having to face other problems, to put the debate behind, because we do not want to have to face a longer debate, we do not want to have to use the normal procedures that you should be able to use with 94 members against 36 members in this House? Is this the reason? Is the government afraid of the tactics of 36 members on a bill as important as this?

I ask members to forgive me, but I think the questions I am asking are questions the people of Ontario are asking as well. I think the government is going to suffer for this bill, because I think it is going to face fights in municipality after municipality from one end of this province to the other over the next three or four years. It may have miscalculated if it thinks it can get away with it now very quickly and it will be done with before the next election. I think it is an issue that is going to be very, very much alive in the next election.

As I said at the beginning, I find it unfortunate that the government has had to use such a draconian measure as closure on a bill of this kind, considering the majority it has and considering the importance of the bill to so many people in Ontario. I hope that the government will have second thoughts, even at this very late date in the debate.

**Mr. Wildman:** On a point of order, Mr. Deputy Speaker: I do not know, perhaps I am counting wrong, but I do not see a quorum. Do you?

**The Deputy Speaker:** The clerk will verify the quorum.

**Clerk Assistant:** There is not a quorum present, Mr. Deputy Speaker.

The Deputy Speaker ordered the bells rung.

1626

**The Deputy Speaker:** A quorum is present. Do other members wish to participate in the debate?

**Mr. Sterling:** Mr. Speaker, on a point of order: I do not know if you have followed proper procedure. I do not know if there was anybody who wanted to respond to the previous speaker's remarks.

**The Deputy Speaker:** There are no questions and comments in debate on the motion.

**Mr. Sterling:** I am sorry. I did not realize we were even cut down that amount with regard to these kinds of motion debates.

**The Deputy Speaker:** These are the normal standing orders, of course.

**Mr. Sterling:** The whole culmination of Bills 113 and 114, the completion of the legislative process by a guillotine order brought forward by the Liberal government, I think is perfectly fitting to the close of one of the most mismanaged issues in all of the parliamentary history of the past 12 years that I have been privileged to be a member in this Legislature. I do not even believe that the members from the New Democratic Party would say that in the past government was there ever an issue that was so badly handled by the government side of the House as this particular issue.

We have had this issue in front of us for over a year, a year and a quarter, and during that period of time we have seen an absolute disaster with regard to the public confidence in these two pieces of legislation and this government's ability to manage this Legislature or listen to the people of Ontario.

In December of 1987, I believe it was the Solicitor General who stood up in the House and said: "We are going to have new legislation regarding Sunday shopping. We are going to hand it off to the municipalities." Then, they went away and started to draft these two disastrous laws. If anyone knows anything about managing a legislative program, the last thing you do is to indicate that you have made up your mind about general principles without working out how you are going to do it. So, what they did was they trapped themselves into a situation where they had announced their intention of delegating this responsibility, throwing it off their shoulders and on to the shoulders of our municipal councils across Ontario but had not really thought how they were going to do it.



So they left a period of three months of speculation where municipalities, municipal councillors across this province, tried to figure out what was going to happen to them next. There were all kinds of stories about what was going to be in the government bills, what was not going to be in them, what was going to be in them, etc., etc. Meanwhile, very little consultation time was left for the municipalities to have a real say in whether or not they should have this particular piece of legislation dumped in their laps, because the government had already committed itself on the major principle that by God, we were going to hand this off to the municipalities no matter what would happen in the future.

So, therefore, Mr. Speaker, we had two bills, Bill 113 and 114 as they later became, starting out on very, very weak grounds. Then, we had a period of time when this bill, quite frankly, was considered by the public as a consumer bill. People were concerned primarily with respect to their rights to go to the store on Sundays, but as time progressed and people found out more and more about what this government intended to do, it became a matter of labour law, of rights of labour, as to who was going to be forced to work on Sunday in the future.

### 1630

The opposition has mounted and mounted and mounted over the last year and a quarter, yet the government has not seen fit to listen to the people on this issue. I might add, while backing into this issue in December 1987, members will well remember that in September 1987 we had an election. Of course, this issue was not discussed with the people at that time. The honesty of this government was in real question with regard to the election campaign that was carried on by the Liberal Party of Ontario.

Interjections.

**The Deputy Speaker:** Order, please.

**Mr. Sterling:** They did not say they were going to bring in a transfer of responsibility for Sunday shopping from the province to the municipalities. They told the people they were going to stop free trade, another representation which has left a lot of people in this province with question marks.

I guess that is enough said about the competence of this particular government to carry on a legislative program, and I would really like to see this government bring forward a meaningful legislative program, which we have not yet seen.

When this motion was placed in Orders and Notices, the leader of the New Democratic Party brought forward a point of order. I spoke on that particular point of order; I believe it was a week ago tomorrow. The Speaker ruled on that point of order and in favour of the government's position on this particular matter. I want to point out that, notwithstanding that the Speaker has given sanction to this guillotine order, it does not take away from the government the responsibility of explaining to the public at large the necessity of having taken this particular action.

To quote the member for Renfrew North, on December 8, 1982, at page 5943 of Hansard, he said at that time, "Notwithstanding what some in the government may feel, I think we threaten to poison this parliamentary well if we proceed in this debate by writing into our rule book this kind of time allocation."

I believe that the government House leader talked about this particular time allocation motion as being quite normal. It is not normal; we have heard other speakers say that it has been used only four times in the history of this parliament. I think it is also very important for the public of Ontario to know that both opposition parties, the New Democratic Party and the Progressive Conservative Party, have had before the government House leader for over two years proposals to change the standing orders that we do business by each day in this Legislature. They have been in the hands of the House leader.

I believe they would be progressive changes in the rules. They would permit us to deal with business more expeditiously and they would allow for better participation on the part of all members of this Legislature, but the government House leader has failed to come back to the two opposition parties and put forward a meaningful response in terms of what he would like to see the standing orders look like in order to make this place run more efficiently.

So we in the opposition are left with the rules as they now stand. Quite frankly, I feel and I believe the other opposition party feels that they are inadequate at this time, that they are archaic and out of date. But it is not our fault that they have not been changed. It is the fault of the government benches that the standing procedures have not been changed in the last two to two and a half years.

The member for Oshawa (Mr. Breaugh) for the New Democratic Party and I for the Progressive Conservative Party have sat down with representatives of the Liberal Party to attempt to find a better way to run this place. But

the government continues to want to run this place in a sense which does not have any meaning today. Therefore, in my opinion, with regard to the situation in which this government has found itself in the past months, it is getting a dose of its own medicine. We would look forward to changing these rules in the very near future.

I must say as well that our party feels somewhat chagrined that it was necessary to bring forward a guillotine motion so early in the final stages of the debate of these two bills. I believe there was a premature action on the part of the New Democratic Party in forcing the bells to ring, but instead of the government acting in a mature manner with regard to this and letting the process proceed a little further into the third-reading debate of these particular actions, it saw an advantage and said, "We're going to bring in the guillotine motion now and we're going to have this fight, in a procedural sense, before."

In some ways my party, the Progressive Conservative Party, which was willing to vote with regard to the other matter at any time, feels it is not in any way responsible for this guillotine motion coming forward. We were willing to agree to go ahead with the procedure at that stage of that game. We think, quite frankly, that both parties have acted prematurely in bringing forward this time allocation or guillotine motion at this time.

In the opposition parties, we have a responsibility to bring forward opposition. In most cases when an issue is raised by the government of the day there is a split in the population in Ontario as to the acceptability of a legislative proposal. I do not believe there are many times when a government is taking a step—or a number of steps, as it is in Bill 113 and Bill 114—which is so contrary to the body of public opinion as we are hearing it as politicians. I suspect that is one of the reasons we have heard from so few backbenchers from eastern Ontario and the Ottawa-Carleton area.

In this debate we have had today, we have not heard from the member for Ottawa Centre, the Minister of Government Services (Mr. Patten). We have not heard from the member for Ottawa-Rideau (Mrs. O'Neill) with regard to this issue. We have not heard from the member for Ottawa East, the Minister of Revenue (Mr. Grandmaître). We have not heard from the member for Carleton East (Mr. Morin). We have not heard from the member for Cornwall (Mr. Cleary). Although the member for Ottawa South (Mr. McGuinty) has participated in committee hearings, we have not heard his opinions with

regard to this legislation in the second-reading debate here in this place.

**1640**

I will give credit to the member for Ottawa West (Mr. Chiarelli), who has said in this House that he supports this legislation very strongly. He has indicated that in spades, and I give him credit for stating his political position. I do not think that is where Ottawa West is, but that is where he has stated his support is with regard to this particular bill.

Last, but not least, the member for Nepean (Mr. Daigeler), the former chief researcher for the archbishop of Ottawa-Carleton, has put his tail between his legs and not even graced this Legislature with his presence when this particular issue has been discussed. Where is the member for Nepean? Is he in favour of these two bills? If he is not, let him stand up for the people of Nepean and tell the people of Nepean that he is against them.

I think members of this Legislature will give me that, notwithstanding where my government stood from time to time on very important issues I was quite willing to express where the member for Carleton stood, and no one could deny that in the past. The record will show where I stood on the issues at various times.

The whole question with regard to this particular issue and this time allocation motion becomes very important because of the nature of the issue, in that it affects each and every member of our society. I believe, quite frankly, that this government has made a tremendous error in dealing with the whole issue.

The people of my riding and indeed the people of the Ottawa-Carleton region—save and except for Ottawa West, and I will leave that to the member but I will speak for the other people because it seems that the other members for Ottawa-Carleton are unwilling to speak in this Legislature for the other people of Ottawa-Carleton—are opposed to this legislation. They are opposed to the extension of Sunday retail hours and they are strongly opposed to the Sunday option for regulating Sunday openings.

**Mr. Fleet:** Sunday closings. Get it right, now.

**Mr. Sterling:** Sunday openings.

Resolutions have been passed by a number of municipalities in the Ottawa-Carleton area criticizing this government for shirking its responsibilities with regard to Sunday shopping, and they will not be pleased to hear that this government has been brazen and bold to limit the debate on this particular legislation.



Limiting debate on Bill 113 is bad enough, but limiting debate on Bill 114, which has had only a couple of hours of legislative attention, and even more arrogantly to lump them together as though the approval of one automatically approves the other, is just not acceptable.

In addition to the municipalities not wanting this municipal option dumped in their laps, there are other things in Bill 113 and Bill 114 which I think need to be carefully examined by this Legislature.

One thing that concerns me is that over the past years we have attempted to erase discrimination in Canada. We have tried to limit the ability of employees having to divulge to other people, to government agencies, etc., what kind of beliefs they have. In other words, the question need not be asked. Why place that in a piece of legislation? Bills 113 and 114 require both employers and employees, under different circumstances, to divulge their particular religious beliefs in order to allow them certain rights under these pieces of legislation. I do not know whether or not these bills would be deemed to be constitutional with regard to those aspects of these pieces of legislation.

There are other kinds of concerns that we have over these particular pieces of legislation where they seem to be quite loose and could lead to a significant amount of friction between employee and employer. I talk about, for example, the test of reasonableness or unreasonableness in Bill 114. Evidently this bill requires someone to determine whether or not an employee who is asking for Sunday off is being reasonable or unreasonable.

If I were the owner of a store and an employee came to see me and said that he wanted to devote Sunday to worship, or that he wanted to spend that time with his family, or that he wanted to visit his parents who were sick in the hospital, or whatever, would that be a reasonable excuse for an employee not to be employed on that particular day? Where does it leave the owner of a small business who is forced into opening on Sunday because the municipality has said, "All of your competitors can be open on Sunday"? Where does he get his relief and the time with his family?

This legislation pits one person against another person. It asks for tests of who is reasonable and who is unreasonable. The whole part of this particular piece of legislation is, in my view, unworkable. If a Liberal government wants to introduce legislation which tests people's reasonableness, then it had better amend the test to

include some of the things that most people do consider important in putting forward this particular test.

I have talked before about this government and its members who have failed to stand up on either side of this issue, and no doubt there will be some discussion in the next election with regard to who supported this piece of legislation and who did not. I am told that when this piece of legislation unfolds, it will be just about that time when municipal governments will be making that choice as to whether or not they will have Sunday shopping.

I just want each and every member of this Legislature to get the opportunity to personally say where he or she is, because it is going to be important at that time. I might say to those who are here for the first time that people start to look at your record the second time, and they ask you where in fact you have been and where you are on particular issues. I think it would behoove some of the backbenchers to express their concern over this piece of legislation, if not their outright rejection of it.

This government has introduced legislation that is contrary to promises made by its party.

1650

**Hon. Mr. Conway:** No comment.

**Mr. Sterling:** The House leader invites my response. I do not think anybody in this Legislature, regardless of which side he sat on, knew exactly where I was on every issue. Sometimes timing was involved with that particular matter.

For those who are going to be in the exact reverse situation in the next election—I think by the present polls there will be a number of Liberals who will be in a situation where they are not going to be able to ride on the Liberal coattails of the Premier at that time—I can tell them this: During the last election, in spite of the Liberal tide that was in place, I had Liberals running down the street after me asking to put a Conservative sign on their lawn because of stands I have taken in this Legislature that were not always in tune with my party, or where I was ahead of all political parties with regard to an issue.

Therefore, I say to each and every one of those 25 Liberals who are not going to be here next time—

**Mr. Haggerty:** Will the member be here next time?

**Mr. Sterling:** I am quite willing to enter into a gentlemanly wager with the member for Niagara

South (Mr. Haggerty) on that issue, if he would like to participate in that.

I say to each and every one of them that they are going to need those people chasing them down the street to ask them for their sign because they stood on an issue as an individual and did not just fall in with the whole crowd. There is no better one than this on which any one of them could take a stand.

I guess I am not surprised, in a way, with regard to this closure motion.

**Mr. Fleet:** Time allocation. Get it right, Norm.

**Mr. Sterling:** I get quite a kick out of the fact that they like to call this a time allocation motion.

**Mr. Fleet:** Standing order 39 is closure. We are not using that.

**Mr. Sterling:** This is what the Premier called it on December 8, 1982. He said—

**Hon. Mr. Conway:** We've heard all this, Norm.

**Mr. Sterling:** The member for High Park-Swansea raised the issue and I am only responding to the member for High Park-Swansea, because he called it a time allocation motion. All I am saying to the honourable government House leader is that the government member calls it a time allocation motion.

This is what the Premier called the identical kind of motion, but not nearly as wide in scope: "That is why we cannot support this motion for closure, guillotine, phase closure, time allocation or whatever one wants to call it." In other words, when the Premier was sitting on the benches on this side of the House, he referred to it as closure, guillotine, phase closure, before he even referred to the whole idea as being time allocation. It is all a matter of the optics this Liberal government wants to place on this particular issue.

I want to indicate—

**Hon. Mr. Kerrio:** Give us the "in conclusion" part.

**Mr. Sterling:** I am trying to get to it. If the honourable member for Niagara Falls would not keep interrupting me, I could probably get to my conclusion. They would not need closure with regard to me.

We cannot underplay what a guillotine motion really is. A guillotine motion is a rewriting of the rules of this Legislature to limit the minority in the House for reasonable debate on legislation. We feel at the very least that it is premature on the part of this government to bring a closure motion, a guillotine order at this time.

It is most important because of the tremendous amount of dissatisfaction with this legislation by a far-ranging group of people in Ontario society. In fact, I have heard very few groups in favour of this piece of legislation and I challenge every member of the government back benches to bring the people who are supporting this piece of legislation, other than themselves and their riding presidents, to my attention.

I want the members for the area I represent, Ottawa-Carleton, to tell me what municipalities in Ottawa-Carleton want it. Does Cumberland want it? Does the city of Gloucester want this delegation of responsibility? Does the city of Nepean, the city of Ottawa, the city of Kanata? Does the township of West Carleton and the township of Rideau want it? Does the township of Goulbourn want it? Does the township of Osgoode want it? None of them wants it. None of them wants this piece of legislation.

We know that this particular piece of legislation is going to lead ultimately to wide-open Sunday shopping. No one believes the government allegation that this is going to lead to some municipalities opting in and some opting out. The fact of the matter is that, as it was with extended store hours on Thursday and Friday evenings and other evenings during the week, if the neighbouring municipality chooses to opt in, then the other municipality also has to do that. That demand will come from the commercial interests in the area, because they cannot allow their competition to have that kind of advantage over and above them in terms of their additional access to the people who are shopping.

As I have said before, we consider this a drastic matter, we consider it unnecessary and we think this is only an indication of the incompetence, the mismanagement of this issue and the arrogance of 94 members in the Liberal government of Ontario.

**Mr. Hampton:** It is with some pleasure that I am able to take part in this debate, because I am one of those individuals who sat on the committee and has been involved with this for some time. Because of the fact that I sat on the committee and because of the fact that I have been—

**Hon. Mr. Conway:** Seen in International Falls on Sunday.

**Mr. Hampton:** The government House leader wants to illustrate that not only does he know something about Ontario geography, but he knows something about Minnesota geography as well. I congratulate him on his knowledge. I am surprised sometimes that he does know as much



as he knows about my riding. For a guy who does not know anything about mining, he does know something about geography, so I will give him credit for that.

The government wants to portray what is happening here as obstruction by the opposition, the opposition parties being wrongheaded, bloody-minded and absolutely unwilling to look at its legislation in any sort of positive light. I think it is only fair that we go through the history of some of this just to see how the government has flip-flopped around on this issue and how the government has in fact led to some of its own problems.

It was about a year and a few months ago when the member for London South (Mrs. Smith) indicated to the House that the government had changed its position since the election. It was only a couple of months after the election, but the government had somehow held a meeting in the night and decided, "We are no longer in favour of the common pause day."

1700

Interjections.

**Mr. Hampton:** Mr. Speaker, the government House leader may know geography, but he obviously does not know his jurisdictions. He wants to get federal issues somehow muddled in this. Maybe you could take him aside, with your own erudite background, and educate him on some of these matters, so that he might understand the jurisdictional aspects of Canadian government a little better.

**Hon. Mr. Conway:** Are you embarrassed to discuss Jean-Pierre Harney? Jean-Paul.

**Mr. Hampton:** Yes; perhaps you could help him with nomenclature as well. He has some obvious difficulties with that.

The government—in fact, the Premier—clearly said, leading up to and in the midst of the 1987 election campaign, that this government was in favour of the common pause day. There were no ifs, no ands, no buts. In response to a simple and direct question, the answer from the Premier in the midst of the election campaign was, "Yes, we are in favour of the common pause day." Yet only two months after election day, the government announced: "No, we are not in favour of the common pause day. There are all kinds of problems with the legislation dealing with the common pause day. Something has to be done about it."

What an incredible switch. What an incredible switch in the context that the very legislation they were talking about had just been upheld by the

Supreme Court of Canada. Despite a fairly aggressive constitutional attack, the majority of the Supreme Court of Canada had upheld the legislation.

In the short span of two months, not only is the government out of line with its previous promise, but it is out of line with the Supreme Court of Canada. The Supreme Court of Canada is saying: "Yes, your legislation is good. Yes, it's enforceable." The government does an about-face and says, "No, it isn't." It is incredible. Yet the government wants to say that everyone else has it wrong and that it has it right.

What were some of the reasons we heard out of the government? Despite the Supreme Court's pronouncement that the legislation was indeed enforceable, the government said, "It is unenforceable." It said it could not be enforced. The second thing it said was: "It is unfair because let's take, for example, drugstores. You have these huge drugstores that are opening up"—I think I can almost paraphrase the Solicitor General on some of these—"that are selling everything hither and yon. They are doing everything a drugstore wasn't intended to do. You can go there and you can probably buy a garden tractor if you are lucky enough to hunt around for a while. Some of these drugstores are so large that they are nowhere within the intent of what the government wanted or intended to establish by the definition of drugstores in the legislation."

So the Solicitor General said: "We have to deal with that. We have to come to grips with these unbelievably large drugstores that are selling much more than drugs."

Lo and behold, what happens in the midst of the committee's deliberations? The government introduces an amendment to increase the limit on the size of drugstores.

**Mr. Haggerty:** Mr. Speaker, on a point of order: I do not see a Conservative member in his seat for such an important debate as this. They should be here.

**The Acting Speaker:** Is there a quorum, Mr. Clerk Assistant?

**Clerk Assistant:** There is a quorum present.

**Mr. Hampton:** I want to thank the honourable member for pointing out there is not a Progressive Conservative member in the House.

**Hon. Mr. Conway:** You have driven them out.

**Mr. Hampton:** The House leader says we have driven them out. For the record, if anything has driven anyone out of the House today, it is the unending, inane comments that have emanated

from the government House leader. I hope he will conduct his geography lessons in private and not bother the rest of us.

As I was saying, after the government said one of the main reasons it had to bring in this new legislation was to deal with these very large drugstores that were selling everything other than prescription drugs, lo and behold, what happens in the midst of the clause-by-clause consideration? The government backwaters again and brings in an amendment that will increase the size of permissible drugstore operations to a level no one would find reasonable.

In fact, what is so objectionable about the government's amendment is that it seems to be aimed at one chain of drugstores. How can you call the new legislation fair when the government amendment that was brought in at committee level and passed by the government's majority seems to be aimed at the lobbying of one drugstore firm? Now we are into real unfairness.

The other thing the government said—again, we enjoyed this debate in committee because it took a long time; people wondered why we were in committee for such a long time—was: We've got to have stiffer penalties. We've got to have penalties that really have a bite if this act is going to be truly enforceable."

We debated for two weeks with the government, trying to put real teeth in the legislation, real teeth in terms of escalating fines, real teeth in terms of discussions about the difficulty police might have in enforcing what the government was proposing, and the government said: "No, we don't want it that tough." The government backwatered again.

When consideration is given to how long this legislation was before the standing committee, consideration ought to be given to how many times the government changed its direction and required a rethinking of the whole issue, whether it was on the issue of unenforceability, the issue of fairness or the issue of penalties. On all of these things, the government switched its own direction and its own terms while this matter was before the committee.

One wonders from where this wonderful idea came. One wonders whence the government got its determination to change the law in the first place. One wonders how committed the government was to what it initially intended to do when it brought this legislation forward. The fact it has been a lot of time in committee was not because of the opposition's somehow bloody-minded determination to obstruct; a lot of it was due to the government's own inability to know where it

was going and what it wanted to do with its own bill.

I suggest they are still not sure where they want to go with this and what they want to do with it, because when you hold some private conversations with some of the government backbenchers, some of them merely shake their head and say, "I really don't know what we are up to on this." Mind you, they will not admit that as candidly to the press, but they will admit it in a private conversation.

That is just a bit of the background.

**Miss Nicholas:** That is hearsay.

**Mr. Hampton:** I hear one of the government members over there saying it is hearsay, but I have not heard that government member speak on this bill yet. Maybe she would like to get up and defend it for the record. She can either defend it for the people of Scarborough Centre and say that she is in favour of it, or she can stand and disagree with it.

**Miss Nicholas:** I would not want to take your valuable time.

**Mr. Hampton:** I say to her that if she wants to speak so much from her seat, she should get into the debate and state what her position is, so that her constituents would know exactly where she stands on this issue.

I want to go into a little more of the history here so that we can understand the background of this motion the government has placed before us. The government at first did not want this issue to get out there to the public. It did not want public hearings. Members will remember that there was considerable controversy in this House, even forcing the government to commit itself to public hearings and public hearings that would travel across the province.

That commitment was finally obtained, but lo and behold, only three days into the public hearings the Solicitor General stood up and said: "I really don't care what the committee finds or what representations it receives. The municipal option part of the bill is non-negotiable. We're not going to listen to anybody on that."

**1710**

There is an assumption in parliamentary democracy, at least in the textbooks I have read, and I read a few in the last couple of days so I could be fairly assured of this, that the governing party at least listens, that it does not announce before it engages in dialogue with the public: "We don't care what the public says. We don't care how reasoned their debates. We don't care how logical their appeal. We don't care about



any of that. We're not going to listen." Yet it is the government that has made those statements which then accuses the opposition of being unreasonable.

I ask the government to give us the logic of that statement, because I think if the people of Ontario, and I hope many of them do, have the chance to sit down and review a little of the history of this issue, they will find that the government has no ground to stand on in accusing the opposition of being unreasonable.

The statements from the Solicitor General were not the only ones. As we toured Ontario, as we went from large cities to small towns in the east and small towns in the west and small cities across the province and through the north, group after group after group came before the committee: church groups, labour groups, small business groups, women's groups, senior citizens' groups, municipal groups.

They came before the committee and said: "We don't like this legislation. This is not good legislation. We don't want it." What was the government's response to these groups? The parliamentary assistant's response was: "None of these people are real. We're waiting to hear from the real people." That was the response. It is in the press; it is well recorded. "We're waiting to hear from the real people."

Who are the real people? If over 200 groups came before the committee and illustrated time and again why they do not want this legislation, what reality is this government waiting for? Who are the real people of the province? We really wonder about that. We really ask the government.

Again, that was an illustration that the government was not listening, that to all intents and purposes from the government's position a lot of what was happening in terms of public hearings was being treated by it as a charade. Yet it is that government which is accusing the opposition parties of being unreasonable on this whole issue. I ask again: What ground does this government have to stand on?

We heard from so many groups and we heard submissions which were not emotional submissions. They were not by any means what the government wanted to term unreal or irrational. They were very well-thought-out submissions.

For instance, at Thunder Bay we heard from the chamber of commerce. The Thunder Bay Chamber of Commerce said: "You know, we can make some money off this bill. If, after the municipal option comes in, Thunder Bay passes a bylaw favouring Sunday shopping, we can

promote ourselves as sort of a weekend shopping Mecca. We can draw money out of Terrace Bay, out of Geraldton, out of Kenora, out of Dryden, out of Fort Frances, out of Atikokan. We can draw money out of all these towns." They said: "We don't want it. We don't want to beggar our neighbours. That's not our idea of economic development, stealing it from some small community that doesn't have a very large economic base to begin with."

What the government said were unreal propositions, irrational statements, were in fact very carefully reasoned analyses, whether it be economic analysis or social analysis or just demographic analysis of how competitive business pressures work in Ontario.

I say again that it is not the opposition parties who were being unreasonable in this whole debate. If anybody was being unreasonable, if anyone was refusing to listen, if anybody was refusing to look at the other side's point of view and honestly consider it and honestly engage in a debate with the other side on the issues, it was the government; and the government is doing it here, because we see, time and time again, members of the government's side refuse to stand up and debate the issue. They want to catcall from the sidelines.

That is a bit of the history of the debate, and I want to put it on the record. The government says: "We went through the whole process. We heard lots. Where the opposition really obstructed, where the opposition was really quite unreasonable was in the clause-by-clause stage of the analysis. That is where the opposition really obstructed things."

I ask anyone to sit down and look at the Hansards and point out to the opposition where some of our amendments, as proposed and as debated, were unreasonable. All—and I say each and every one—of our amendments came from proposals that were presented publicly before the committee.

Proposals to do away with the municipal option, which it took a long time to debate because that is the central feature of the bill, came from municipal groups, church groups, labour union groups, small business groups and women's groups across the province saying, "We don't want the municipal option." Whether it was in terms of penalties or whether it was in terms of the size of drugstores or whether it was in terms of other enforcement mechanisms, all of the amendments that came before the committee were in fact suggested and many of them were

written by the very groups that appeared before the committee.

I ask the government: "What is so unreasonable about taking what you have heard from the public and turning it back into the committee's clause-by-clause consideration as amendments? What is so unreasonable about that?" I would submit nothing is unreasonable about it; that is what the democratic process is all about. That is what the government terms obstruction. That is what the government terms being unreasonable. That is what the government terms trying to stonewall the issue.

As I have said, I do not think anyone tried to stonewall the issue. I think we were very sincere, I think we listened and I think we tried, as much as possible, to engage the government in a meaningful debate. I do not think any of the government's statements on this are in any way founded or in any way supportable.

Let's wipe the charade away. The time allocation, the cutting off of debate, the motion to cut off debate on this legislation, really has nothing to do with the legislation itself. Let's face it, it has nothing to do with the legislation itself.

We could debate this further. There is no imminent crisis out there that the government has to deal with. There are not two million shoppers who are standing at the gate, ready to stampede in to shop themselves silly on Sunday. That is not there; that is not happening. There is no imminent emergency that the government has to deal with here so that it has to cut off debate. Nothing of the kind exists. If there were, the government should be making the case, and I note it is not making the case.

But what is there? What is there out there that makes it necessary or makes it desirable for the government to limit debate? One of the things that is out there is this nasty issue called auto insurance. It is a very nasty issue, particularly when the Premier has said, as he has said on a number of other issues: "We have a plan to lower insurance rates in Ontario. We know how to lower insurance rates, and once the election is over, we're going to introduce our plan to lower insurance rates."

I do not profess to be a mathematician, but I know when somebody is stealing money out of my pocket, and when somebody proposes a 40 per cent increase in insurance rates, somebody is stealing money out of my pocket. The consumers of the province know that as well, and the consumers of the province know who has set up the legislation proposing that. They know whose

plan that is and they know who they are going to take their vengeance out on. So the government has a touchy situation: "How do we manage, in terms of news, in terms of public relations, the whole problem of auto insurance?"

#### 1720

We have all been in politics long enough that we have heard the term "news management." We have heard the term "public relations management." We have heard the term "managing the public agenda." The simple fact of the matter is that if we are sitting in this House when the auto insurance report comes down and it recommends a 25 per cent increase or a 30 per cent increase or a 35 per cent increase, the government has to be here. Someone is going to stand up and ask the Premier and the Minister of Financial Institutions (Mr. Elston), "Now, tell us, please, about your plan to lower insurance rates." The government does not want to be here when that insurance report comes down, and that is the primary reason why the cutting off of debate is occurring.

That is the primary reason, because when the House is not sitting it is much easier for the government to manage the news agenda, to manage the information agenda and to manage the public agenda of the day. It is very easy for some cabinet ministers who should be there to answer to simply say, "Sorry, I am on vacation." It is very easy for government members to disappear into the woodwork for a while and not have to be here to face the questions. It is very easy to do. That is the primary reason why time allocation is being imposed. It has really nothing to do with some impending emergency in Sunday shopping; absolutely nothing.

It is not just auto insurance. Auto insurance is one of the places where the government has to answer. Believe me, if I have one understanding of politics—it is a simple understanding but I have found it is a very good one—if you are the government and you are putting money in people's pockets, that is a good time to call an election. That is a good time to be around and be visible. If you are the government and you are taking money out of people's pockets, you want to disappear. That is the line that the government is practising here.

There is another issue beyond that. The government has the whole problem of health care. It does not matter where you go in this province, the government has a problem of health care on its hands and it gets worse by the day. A town like Marathon, for example: Three doctors have already left the community and a fourth is going to leave very soon. Why? The



facilities are inadequate and there is a shortage of nurses. Those doctors who are there are simply saying, "I cannot practise here." What is the government's answer? The Minister of Health trots out her wonderful underserved area program every time, a program that I say, quite simply, is a Band-Aid solution. It is good for about a six-month solution and then the doctor she brought in with the help of a grant leaves.

All across northern Ontario there is a shortage of doctors, a shortage of nurses and a shortage of health care. If the members look at the latest underserved area program report, they can find 29 communities across the north that do not have sufficient doctors or do not have other health care professionals sufficient to meet the demand for health care. But for a while, the line the government was trying up north was, "Well, if you have a Liberal member out in your riding, it should be taken care of." That does not hold water any more because if one looks at where the cities are located, they are located in Conservative, Liberal and New Democratic Party ridings all across the northern part of the province.

There is a crisis in health care across the north. The government cannot deal with it, does not know how to deal with it and does not want to deal with it. What it does know is it does not want to be here to take the heat for it. But it is not just in the north. We have heard time and time again, every day in this House, illustrations of where the government's so-called well-managed health care system in southern Ontario is not well managed at all. When you have operations cancelled and rescheduled and when you have beds closed because there are not sufficient numbers of nurses in the hospital, then how can that be a well-managed health care system? I say again, the government does not want to be here to answer those questions and deal with those tough issues.

Those are the real issues. Those are the real reasons why the government is imposing this time allocation. I note that a while ago when I was speaking, the government House leader had a lot to say, but once we get around to the real reasons why the government does not want to be here, he has his nose buried in his book again.

**Hon. Mr. Conway:** I am reading about the fall of Anthony Eden.

**Mr. Hampton:** Good for you.

**Mrs. Cunningham:** As opposed to the fall of the Liberals.

**Hon. Mr. Conway:** Oh heavens, no.

**Mr. Hampton:** If you insist on reading, we shall send over to you a book on mining, so that you can further educate yourself in the field.

**Hon. Mr. Conway:** Tom Long and Bob Rae will keep us in office for a long time.

**The Acting Speaker:** Order, please. The member for Rainy River (Mr. Hampton) appears to be trying to provoke an interjection, and I would request that he address his remarks through the chair.

**Mr. Hampton:** Why, Mr. Speaker? I should at least be granted the privilege of replying to some of the catcalls from that side. The government House leader is very good at getting his opinions in. I think it is only fair that I be allowed to reply from time to time.

**The Acting Speaker:** Could I ask the member for Rainy River to address the whole assembly and not merely one of the members of the assembly?

**Mr. Hampton:** Mr. Speaker, I would suggest to the government members of the assembly at least that they chip in and buy the Minister of Mines (Mr. Conway) a book, so that he can further enlighten himself on mining resources in northern Ontario. That would be a wonderful benefit, especially if time allocation does succeed. He will have something to do over the holidays.

**Hon. Mr. Conway:** The holidays?

**Mr. Hampton:** Over his holidays.

**Hon. Mr. Conway:** What kind of calendar do you operate with?

**Mr. Hampton:** Mr. Speaker, I do not want to respond to this, but I assume that the Minister of Mines conducts himself in the same leisurely pattern that he conducts himself in the House when the House is not sitting.

I could go on with a number of other concerns that the government does not want to deal with: the housing issue, where every day we are confronted with examples of the Minister of Housing (Ms. Hošek) saying that her system is working fine, that rent review is working fine, yet the backlogs for rent review are increasing and, at the same time, those people who are appearing before a rent review and think that they are battling a request for a 10 per cent rent increase or a 15 per cent rent increase find out that they were being deluded. In fact, what they were battling was a 62 per cent rent increase, because that is what the Rent Review Hearings Board awards. Those are the kinds of issues the government does not want to deal with.

Or let's take the garbage issue. Some people might say: "Well, garbage is not a very serious issue. Don't worry about that." The fact of the matter is that southern Ontario has a pressing

problem in terms of waste disposal, waste recycling and the whole conservation of what we call recycling of waste, and it has got nowhere on the issue.

What is the latest proposal? The latest proposal is not to provide some sort of thought-out, considered, rational, long-term solution. The proposal is: "Ship it north." I wonder if the Minister of Mines has not had something to do with this, if this is not somehow connected with his concept of mining.

**Miss Martel:** Empty mine shafts.

**Mr. Hampton:** Take empty mine shafts and fill them up with garbage.

One wonders, but one knows from all of this that the government does not have an agenda for these issues, that the government does not want to deal with them, the government does not want to be here when those issues keep bubbling up every day in a very nasty way. Those are the real issues. That is the real situation and that is why we have got this time allocation motion.

As I say, it has got nothing to do with some impending disaster or some impending emergency over Sunday shopping. There are not hordes of people out there waiting to shop on Sunday who are demanding this legislation.

We could go on for quite some time over a number of issues that the government does not want to deal with, does not want to be here to deal with and does not want to have to answer questions every day in question period and questions of the press every day following question period. That is why we have this time allocation bill. That is why the government is struggling so desperately to get out of here.

1730

I want to merely say again that I think the opposition parties have been most responsible in dealing with the Sunday shopping legislation. If anybody has listened to what the public has been saying, the opposition parties have. If anyone illustrates that they have taken an irrational position and a position where they have flipped a number of times during the debate, it is the government members. And if anybody should be held accountable for the length of time it has taken to deal with the Sunday shopping legislation, it is the government. The government, as I have said, has changed its position a number of times, both in this House and in committee, and the government members are the people who should be held responsible for what is happening.

No doubt, at some future time we will get into the substance of the bills more fully, and I want to

reserve some of my other comments on the bills for that period of time, but I say again to the government that the real reason for this time allocation motion has nothing to do with the legislation. It has everything to do with its desire to get out of here so it can better manage the media, better manage the news, better manage the information process. That is what it is all about.

The people of the province are beginning to understand that and I think they will hold the government accountable on that one, just as they are going to hold it accountable on the Sunday shopping.

**Mr. Morin-Strom:** We are here today to debate an issue that really should not be taken before this House. The resolution that has been presented to the House by the House leader of the Liberal Party reads as follows: "That when the order is called for resuming the adjourned debate on the motion for adoption of the committee report on Bill 113, An Act to amend the Retail Business Holidays Act, not more than one sessional day shall be allocated to this order," and so on.

This motion from the House leader of the Liberal Party is in fact an absolute affront to the importance of these bills to the province of Ontario and an affront to the whole democratic process.

The government proposes that on these bills we limit the debate on the substance of the bills on third reading to one day on each of the two bills, and that we limit the debate on the clause-by-clause consideration of amendments in the committee of the whole House, a very important debate that we would all like to participate in, to two days at maximum. This arbitrary limit of debate to a total of four days in this House, after we have had such substantive debate throughout the committee process, is a real restriction on all the members of the Legislative Assembly.

The members who have been in the committee and have had the opportunity to deal with these bills over a number of months have seen the level of public concern, the number of issues that have been addressed and that are of serious concern to groups right across the province of Ontario. That has taken many months and many hours of consideration by those members.

We are now in a position where we, as the House as a whole—all 130 members, not just the 11 members who were on the committee—get our opportunity for final review of these two very important bills.



The essence of the motion that has been put forward by the government House leader is that we are going to restrict the opportunity of members of this House to participate in that debate. The government is not interested in giving everyone an equal opportunity to have his or her say, to have the opportunity to make the points that are so important to the people of this province on this issue of Sunday shopping as proposed by the Liberal Party of Ontario.

We, as members of this Legislative Assembly, have orders which are the rules of operation of the House as a whole. The orders and the rules that govern the operation of the House should be abided by by the House as a whole at all times. It has been common practice that those rules will only be changed in the case of agreement of all three parties unanimously.

In this case, the government party is attempting to change the rules of operation of this House, to limit the opportunity of all members to have effective debate, to all be able to participate. Under normal debating procedures, when a bill is called before the House, each and every member of the Legislative Assembly is given the opportunity to speak on that bill. Adequate time is provided under those rules by not allowing the government or any member to arbitrarily cut off the debate on any bill before this assembly.

Generally, there is a process by which the parties work co-operatively. The House leaders of the parties get together and agree on an agenda as to what the priorities of the House are and when that is reached the parties do proceed and we are able to effectively operate in this House.

In this case, we have a total lack of co-operation from the government House leader and the Liberal Party, who effectively want to run this House as a dictatorship. They want to be the absolute ruler as to what the rules of the House are going to be. They want to set the rules, arbitrarily, changing the rules of procedure of debate on these very important bills.

The attempt in these motions is to limit the debate to a maximum of four days' debate to cover two bills, only one day each on the bills and two days on the possibility of amendments that will be presented in committee of the whole House on these bills. That puts a real restriction on the opportunity for all members of the House to speak on these motions.

If each member of this House wanted to speak even for just 10 minutes on these bills, we would be in very serious trouble and we would be limiting the number of members who could speak on these bills. Four days provides about 12 hours

of debate, at the maximum, and we would not have the opportunity to allow every member to represent his constituency on these two bills which are of such vital concern right across Ontario.

These bills have gone through a committee, a public hearing process which was demanded by our party, which was totally resisted by the government. The government attempted last year, when it introduced these bills, to try to ram them through the Legislative Assembly at that time without allowing public hearings, without allowing concerned citizens, organizations and municipalities across the province to present their views on this legislation.

Last spring when we went through second reading on these bills, we forced the government to agree to provide public hearings right across this province so that we would have, for a change, an open government that would give people the opportunity to make representation. It has been so unfortunate that we have had a government which has refused to listen to the public. We have had hundreds of presentations before the committee. Less than one out of 10 of those presentations supported the government's intention with regard to this legislation. The vast majority of individuals, of organizations, of companies and of communities across this province have rejected this government's approach to retail shopping hours, particularly this government's intention to open up shopping across Ontario on Sundays.

#### 1740

This is a real issue across this province, particularly for families. It is one that is a real threat to the integrity of many families. It is one that is totally unnecessary, that we break down those family relationships by forcing people to go out to work on Sundays, particularly in the retail sector where we know that so many of the employees are women.

In many cases, Sunday is the only full day they have to spend with their children, because in the retail sector most of them already have to work on Saturdays. This bill will mean that in that sector, so many women who are trying to raise families and get their main income from working in stores will now have to work most weekends, both Saturdays and Sundays.

In our party's view and certainly in my view, Sunday is a day for family. Only in those cases where it is absolutely essential that an industry or type of business has to be open on Sunday in order to provide the ongoing viability of that industry or that business should we be having

Sunday operations. Certainly in the retail sector there is no need, there is no demand in Ontario for wide-open Sunday shopping.

This government, in this motion, which is presented by the Minister of Mines, the government House leader, is attempting to restrict particularly the opposition members from reflecting in detail the concerns they have about the two bills, Bill 113 and Bill 114, as well as the possibility of making final amendments to lessen the damaging impact that these bills may well have across Ontario.

In terms of the democratic process, I find that this is one of the most flagrant actions this government has taken, certainly the most flagrant action it has taken since I was elected as a member nearly four years ago.

I would suggest that we look back at some of the statements which were made by Liberal members in previous years when a former Conservative government attempted to bring in similar time allocation or closure motions to restrict debate and to shut up the opposition members in their opportunity to represent their own constituents. I would like to go back in particular to some comments made by the government House leader himself, who is making this motion, while he was on this side of the House, in the opposition, because I think some of his comments were very interesting.

I will go back to comments made on December 8, 1982, on a time allocation motion which the former government used to bring in Bill 179, which was a wage control bill which was subsequently found to be unconstitutional, but none the less was an emergency for which this House had been brought back in September that year by the Davis government. In the opposition, the bill had been held up because certainly our party, the New Democratic Party, had been totally opposed to the bill in principle.

In December 1982, Mr. Wells, then the government House leader, brought in a similar time allocation motion to this one. At that time, the member for Renfrew North, the current Liberal government House leader, said:

"On behalf of my colleagues, I would like to offer a few comments with respect to the government notice of motion 10 introduced in the name of the government House leader.

"It is of genuine concern to my colleagues and to me that we have before us so serious and so significant a new departure in terms of the way we have conducted ourselves in the Legislative Assembly for lo these many years.

"Let me reiterate what I have said on an earlier occasion. I, like many others in this assembly, have been taking note of the fact that we have arrived at this parliamentary impasse because one group of politicians, one group of members, has made it clear it will not easily agree to the passage of this legislation. That is the right of these members."

It is interesting that the government House leader today does not believe it is the right of opposition members to have full debate and to attempt to use every means possible to stop a government from imposing a law which they feel is unjust and unfair to the people of Ontario. At that time, the current Liberal government House leader and Minister of Mines, believed it was the right of opposition members to be able to have full access to the rules of the House and full debate on any bill that the government presented before the Legislature. Now we have the member presenting a motion which in fact contradicts directly the right that he believed members had back in 1982.

I go on in continuing the quote from the current Minister of Mines back in 1982 with respect to that time allocation motion brought by the Conservatives at that time:

"However, in the course of this difficult passage, we must be very careful that we do not allow to be put in our tradition, as we stand now to do, not one but two serious departures by way of closure. Those of us who sat in the standing committee on administration of justice last week saw the first departure in that connection and now we see this.

"Quite frankly, as my colleague and leader has indicated, it is an experience and rule among lawyers that difficult cases make for bad law. I am deeply concerned that, in the course of this difficult passage, we are going to write very bad new rules into our practice here in this assembly."

I would like to say that I agree totally with the statements that the now government House leader made back in 1982. What happened in that case was that we brought in time allocation, amending the standing orders of the Ontario Legislature. That precedent has served government a few times since then in time allocation.

I would have hoped that the government House leader would have lived up to his convictions, if he really had convictions, and would have seen that the motion that he has put forward now on this bill is in essence the same thing that happened to the opposition members back in 1982: a total restriction of the democratic



process, of the rules of operation of this House, and a method by which we, as opposition members, will be prevented from having full and adequate debate on these very important bills.

I would mention that the restrictions are not only on the opposition members, but in fact the government members are going to be severely limited as well in terms of their opportunity to represent their constituents on these vitally important bills. I would think that those government members have a very serious problem on their hands in terms of explaining their position on these bills, given the kinds of opposition they know they face in their home constituencies from individuals and organizations they are supposed to be representing.

**1750**

I would think that all government members should have the opportunity to fully explain their position and give an explanation as to why they feel these bills are important for Ontario, to explain why as government members they feel it is essential that we have Sunday shopping in Ontario, why the government members feel it is essential that people be forced to go out and work on Sundays in the retail sector right across Ontario.

We know the government has a very serious problem with this issue. Survey after survey has shown that the people in Ontario are strongly opposed to these measures. Sure, at first glance from a consumer standpoint some may say, "I have the choice of going to shop or not going to shop," but then people reflect on this issue and look at the impact this has on the small business community, the devastating impact it has, particularly on the smaller convenience stores, the small family operations that are going to have to be manned by those families seven days a week rather than six days a week.

The fact is that all of the benefits from these bills are going only to the major groceries and major department stores. The devastating impact is going to be totally on the small business community in terms of economic impact. At the same time we are going to see a devastating impact on the family life of the workers who will be forced to work on Sundays as a result of this legislation. The government members in this House have a very serious task indeed in explaining their position to their own constituents.

We all know that the government members have a lot of issues they have serious problems with at this time. They are under pressure with regard to issues such as health care, the housing

crisis, particularly in the Metro Toronto area, and the fact that they have a totally botched-up plan for reducing automobile insurance rates across Ontario.

We know that behind this motion, behind this restriction on debate is the preference of the government members to get out of the Legislative Assembly, to restrict the operation of the Legislative Assembly, to go home to their own constituents, to go into hibernation and not have to face some of the problems they are facing every day in terms of the real issues of Ontario. Sure, we know the government members have their trips planned to Europe, the United States and all over for February and March and they do not want to have to sit here and face the real issues of Ontario. They would rather restrict the debate, stop the House from sitting and prevent us from being able to address the real issues of the province in question period. Instead, we have a government that wants to go and run and hide.

The biggest issue that is going to come up and face this government head-on early in the month of February is the decision by the Ontario Automobile Insurance Board. The government has convinced the review board to delay making a decision, out of the month of January, because the government was unable to get the bills it considered important—and I do not know why it is insisting on an urgency for these two particular bills, Bill 113 and Bill 114—passed in January.

They know they are going to be here until the end of January, so they were able to get the Ontario Automobile Insurance Board to delay making the decision it had planned to make in the month of January until at least the second week of February, desperately hoping that the Legislature will have adjourned by that point. Who knows where the Premier will be at that point? Who knows where the various ministers responsible will be at that point?

The Premier made a commitment in the last election campaign with respect to his plan. He said quite explicitly, "I have a plan to reduce automobile insurance rates in Ontario." The only thing we have seen in his plan to date is an automobile insurance review board. They are to make a decision on the regulation of insurance rates in Ontario. That decision is going to come down in early February and there is no speculation from the Liberal members, the press or anyone who is knowledgeable about this issue that in fact we are going to see a reduction of those rates.

The Premier promised a reduction in the rates. He has delivered, to this point, two increases

totalling nine per cent in terms of the increases he has already allowed, so unless the decision of the review board is that the rates have to be cut back by at least nine per cent, the Premier again will not have fulfilled another promise, another commitment that he made in the last election campaign.

We are going to see, I am sure, from this auto insurance review board—which is listening basically to the Liberals' friends in the industry, to the insurance lobby that is so influential, particularly in the city of London, where the Premier is from—massive increases in a province which already has the highest insurance rates in our country.

This government is going to have a lot of explaining to do in the month of February when the contradictions become apparent between its plan, its review board ruling on those auto insurance rates and what in fact the consumers of this province are going to have to pay in terms of higher auto insurance rates in comparison with the plan, the figment of the Premier's imagina-

tion, that he said he had during the last election campaign.

We have had one commitment after another from this government broken since the last election, and these bills, Bills 113 and 114, are certainly prime examples of that. This government committed that it would not impose Sunday shopping on the people of Ontario. Then, once elected, they have gone back on their word, they have not listened to the people of the province. They have insisted on their own approach to Sunday shopping, to Sunday working, right across Ontario.

I suggest that this resolution from the government House leader is a real affront to all of us as members of this Legislative Assembly and that we should insist that this government House leader retract this resolution, which is a direct contradiction of his own former statements, his own commitment, his own belief when he was an opposition member.

On motion by Mr. Morin-Strom, the debate was adjourned.

The House adjourned at 6 p.m.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

- Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)  
**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



## CONTENTS

**Wednesday, January 25, 1989**

### Members' statements

<b>Robert Burns Day</b> , Mr. McLean, Mr. McGuigan .....	7563
<b>Waste management</b> , Mr. Hampton .....	7563
<b>Yangtze River canoe project</b> , Mr. Runciman .....	7564
<b>Michael Smith</b> , Mr. Miclash .....	7564
<b>Municipal funding</b> , Mr. Allen .....	7564
<b>Driver examinations</b> , Mr. J. M. Johnson .....	7564
<b>George Knudson</b> , Mr. McLean .....	7565

### Statement by the ministry

<b>Acid rain</b> , Hon. Mr. Bradley .....	7565
---	------

### Responses

<b>Acid rain</b> , Mrs. Grier, Mrs. Marland .....	7566
---	------

### Oral questions

<b>Nursing services</b> , Mr. B. Rae, Hon. Mrs. Caplan .....	7567
<b>Plant closures</b> , Mr. B. Rae, Hon. Mr. Sorbara .....	7568
<b>Health services</b> , Mr. Brandt, Hon. Mrs. Caplan .....	7569
<b>Nursing services</b> , Mr. Eves, Hon. Mrs. Caplan .....	7571
<b>Polychlorinated biphenyls</b> , Mrs. Grier, Hon. Mr. Bradley .....	7572
<b>Use of lot levies</b> , Mr. Harris, Hon. Ms. Hošek .....	7573
<b>Proposed arena</b> , Ms. Collins, Hon. Mr. Scott .....	7574
<b>Waste management</b> , Mr. Pouliot, Hon. Mr. Bradley .....	7574
<b>Sale of cigarettes to minors</b> , Mr. Sterling, Hon. Mr. Scott .....	7575
<b>Parental leave</b> , Mr. Offer, Hon. Mr. Sorbara .....	7576
<b>Social assistance</b> , Mr. Allen, Hon. Mr. Sweeney .....	7576
<b>Young offenders</b> , Mr. Sterling, Hon. Mr. Scott .....	7577
<b>Occupational health and safety</b> , Mr. Black, Hon. Mr. Sorbara .....	7577

### Report by committee/Rapport émanant d'un comité parlementaire

<b>Standing committee on regulations and private bills</b> , Mr. Furlong, agreed to .....	7578
<b>Comité permanent des règlements et des projets de loi d'intérêt privé</b> , M. Furlong, adoption du rapport .....	7578

### Motion

<b>Estimates</b> , Hon. Mr. Conway, agreed to .....	7579
---	------

### Government motion

<b>Time allocation</b> , resolution 20, Hon. Mr. Conway, Ms. Bryden, Mr. Runciman, Mr. Reycraft, Mr. Mackenzie, Mr. Sterling, Mr. Hampton, Mr. Morin-Strom, adjourned .....	7579
--	------

### Other business

<b>Visitors</b> , Mr. Speaker .....	7565
<b>Hospital services</b> , Mr. B. Rae .....	7578
<b>Adjournment</b> .....	7606
<b>Alphabetical list of members</b> .....	7607













CA20N  
X1  
-D23

No. 136

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
Thursday, January 26, 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, January 26, 1989

The House met at 10 a.m.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### COMMUNITY HEALTH SERVICES

Mr. Mahoney moved resolution 58:

That, in the opinion of this House, recognizing the ever-increasing costs associated with the hospital care and the alternative of community-based health services, the government of Ontario should encourage the formation of community-based health centres similar to the health centre in Sault Ste. Marie, Ontario, whereby the corporate sector and the labour movement, along with local health boards and community groups as well as the Ministry of Health work together to establish such community-based facilities.

**The Deputy Speaker:** The member for Mississauga West has up to 20 minutes to make his presentation and may reserve any portion of that for the windup.

**Mr. Mahoney:** I am delighted to rise in support of this resolution and to bring this concept before my colleagues in the Legislature. It is not necessarily a new idea, but it is an idea that has worked so well, particularly in the community of Sault Ste. Marie, which happens to be my home town, that I think it is time the provincial government looked seriously at duplicating as much as possible the same type of facility that is available in Sault Ste. Marie.

The issue in health care is really alternatives. We must think of new ways to deliver services in our communities and of more direct community involvement in delivering those services.

There are a couple of different types of community facilities in the delivery of health care. One is called a community health centre. Just to read the definition very briefly, it says: "The community health centres are facilities which offer a range of co-ordinated primary health care in related services to one or more priority groups. The services are provided in a multidisciplinary manner and are specifically designed to meet the health needs of the priority group or priority groups."

The operation in Sault Ste. Marie is technically not a community health centre. Although it is referred to as a community health centre, it is really known in proper health definitions as a health service organization. I would like to share with the members the full definition of a health service organization, because in talking to people in the community about this concept the question comes up, what actually is it you are talking about? So it is important we understand the concept. Whether we call it a community health centre or a health service organization is somewhat incidental, in my view.

A health service organization's objectives are to create an environment which is supportive of physicians and other health care personnel and which allows flexibility in responding to the health care needs of the population served; to develop a co-ordinated system of health care delivery which makes the most appropriate use of health care resources and which is accessible, efficient and economical; to provide special attention to health maintenance and illness prevention measures which will enhance the health status of the population served, and finally and very important, to decrease institutional care by giving emphasis to ambulatory care, self-care and home care, all of which are philosophies this government has espoused both in past throne speeches and in statements by the Premier (Mr. Peterson) and the Minister of Health (Mrs. Caplan).

The resolution refers to community-based health services similar to the one in the Sault. I would like to share some of the history of the operation in Sault Ste. Marie. I had the pleasure of flying up to the Sault last Friday for a tour of the facility with Fred Griffith, the general manager of the facility. I was extremely impressed not only with the quality of the actual plant involved in this operation, but with the attitude of the people and the obvious caring that goes on throughout the entire facility, and the feeling of community members that it is their facility, that it belongs to them.

The United Steelworkers of America opened the group health centre in Sault Ste. Marie in 1958. At the time, the centre was funded by consumer premiums as an alternative to private

insurance indemnity and organized as a group practice as an alternative to solo practice. When the universal provincial health care scheme was introduced in Ontario in 1969, the group health centre negotiated with the Ministry of Health to pay a set amount to the health centre based on the number of members of that centre, and this is known today as capitation.

The centre is managed by a board of directors from the community consisting of doctors and local citizens as well as members of the United Steelworkers of America, and the capitation formula established at that time pays for each person on the roster. I should point out there are 43,000 rostered patients at the health centre out of a population in the Sault—I think the member for Sault Ste. Marie (Mr. Morin-Strom) will correct me later if I am wrong—of approximately 85,000 or 86,000 people. Almost 50 per cent of the entire population of that city is rostered on the health centre registry.

There is also an ambulatory care incentive payment, known as ACIP, which is paid when the health centre shows decreased hospitalization compared to the surrounding region. Members would be interested to know that in the surrounding region they have in fact reduced in-hospital care by almost 28 per cent as a result of the latest figures, and at times it rises to as high as 32 or 33 per cent. The centre has consistently demonstrated reduced hospital use over its term.

Just to give members some information about its makeup, the Algoma Medical Group consists of 33 physicians representing 13 medical specialties. The centre operates five departments: optometry, physiotherapy, counselling, laboratory and chiropody. In addition to all Ontario health insurance plan benefits, the centre offers roster members four non-OHIP-covered services as well, which is an incentive to remain on the roster. Those four include counselling, nutrition consultation, communicative disorders therapy and a back pain clinic that could be very helpful in dealing with concerns related to workers' compensation.

The health centre has spread its wings a little recently and has opened a satellite health centre in another part of the Sault and a women's health centre, also on the same site but in a separate building.

## 1010

The important thing here is that no additional funding was required for either of these centres, and indeed the entire facility right from the late 1950s to the present day has been funded entirely by the local community. In the late 1950s there

was a charge, I believe, of \$135 per family that was worked out as a checkoff with the Algoma Steel Corp. in an effort to raise the funds.

On my tour, I was presented with a book that is very interesting. I recommend it to all members for some very insightful history of what took place in the late 1950s and early 1960s in that community. It is entitled *First and Foremost* in Community Health Centres and it is about the centre in Sault Ste. Marie and the community health centre alternative.

I would just like to share a couple of things in the book. The book is dedicated to the memory of John George Barker. John Barker passed away in 1982 but he left a legacy in this health centre. John was a great trade unionist, a strong socialist in many ways, a good personal friend of mine and my family and a man who really led the charge to develop the health centre in the Sault.

To give members an idea, I will just read from the book a short quote by Glenn Wilson, one of the consultants, hired from the United States actually, to come and help in establishing this health centre. Glenn Wilson said, "Give me John Barker and I can build a health centre in the Sahara Desert."

I am sure the Barker family, particularly Carole, Mr. Barker's daughter, whom I met at the health centre, and all the members of the local of the United Steelworkers of America, are very proud of the work John Barker did.

It goes on to say in the book that health services are generally organized according to the dictates of the physician rather than according to the desires of the community in which he or she practises. I do not think that is an outrageous statement. I think it is a statement of fact that a doctor will establish a practice based on how he or she feels he or she can best serve his or her particular clientele.

The book goes on, however, to say—it is interesting that it is referring to the era in the late 1950s and early 1960s because much of what is said in this book actually could apply, very clearly, to 1989—"At a time when the cost of health care and its contribution to our overall level of wellness are increasingly being called into question"—as they are, I would point out, in this very Legislature from time to time—"discussion of alternative methods is more important than ever.

"The account of the Sault Ste. Marie achievement from the late 1950s to 1980 offers a unique opportunity to view developments in health care delivery from a position of practical experience. As policymakers"—which clearly we all are in



this Legislature—"come to view alternatives such as this as a possible future direction for a health service, then a comprehensive exploration of the issues and events in the association's growth may help in better formulating the exact nature of that future."

Finally, it goes on to say: "The group health centre in Sault Ste. Marie was born from a trade union's desire for a better community not just for its members but for all the inhabitants." I point out that although the centre was indeed funded by the United Steelworkers and the concept began with the dream of John Barker and many of his compatriots, that health centre is open to all residents of Sault Ste. Marie.

I speak of the health centre in the Sault because I think it is the type of facility we can bring to communities like mine in Mississauga, in the greater Peel area, and indeed in the greater Metropolitan Toronto area.

There was a crisis in the late 1950s in Sault Ste. Marie. There were too few doctors. There was overcrowding of hospitals. Interestingly, it seems that the more things change, the more they remain the same. The two general hospitals, one Catholic and one Protestant, operating side by side in downtown Sault Ste. Marie, were overcrowded. The beds were jammed and there was a waiting list.

There was a lack of alternatives due to the isolation of this rugged, almost frontier-like community in the 1950s, but because of Mr. Barker and some of his compatriots they saw an opportunity out of this particular problem. I can tell members that from the account in this book and from information I have received, both from my father who was the national director of the steelworkers at the time and from talking to Mr. Barker and to people at the health centre last week, there was a tremendous amount of opposition to this new, somewhat revolutionary idea at that time. They were opposed at the time by the hospitals, by the Ontario Medical Association and by the local chapter of the doctors in Sault Ste. Marie.

The opposition was based on the fact that this idea was social medicine, that it was socialism. They were actually even fighting among themselves and fighting the forerunner of the Ontario health insurance plan, which was known as Physicians' Services Inc. or PSI. The doctors in the Sault opted out because they did not like the level of fees that were established under PSI and decided to go on their own, at which time I guess you could call it extra-billing. It was extra-billing

over and above the fee schedule that was provided in the PSI arrangement.

We had a problem, but many people who had great foresight saw this problem as an opportunity, and with that farsighted thinking a new alternative was born. The rest is history and I commend not only the book but also the concept and the idea to all members of this House to take back to their communities.

Can we do it today? We obviously have a different structure today in that we have what people think is free medical care for everyone. We all know nothing comes free at any time in life, so there is a real cost, but can we do it today? Can we in fact motivate a community group or number of groups or a particular community to establish its own community health centre or health service organization such as the Sault's?

Some people would say we are already doing it. For example, I understand we have as many as 11 clinics in the city of Hamilton. They are all operated by doctors and in fact they are charging their fees based on the capitation system, for the most part, with some additional fee-for-service arrangements being paid through OHIP. St. Joseph's Hospital in Hamilton is currently planning and negotiating to build a separate centre that would operate under the capitation system.

Cities like the Sault and Hamilton, however, may have an advantage over cities like Mississauga or Scarborough or other parts of the greater Toronto area in that they tend to have a major industry, in the case of both the Sault and Hamilton a major steel industry, and a client group that they can clearly identify and pull together to help fund this concept.

However, the example in Don Mills, the riding of my colleague the member for Don Mills (Mr. Velshi), would indicate that indeed it can be done in the more urban, less organized areas of this province. There is the Flemington Health Centre in Don Mills which functions very similarly to the Sault Ste. Marie Group Health Centre in that it is run by a board of community directors. It is very similar in operation, although the initial capitalization was substantially different.

The key to my resolution, I submit to this Legislature, is that the province should encourage the activation of other groups to get involved, to take some leadership.

My colleague the member for Mississauga North (Mr. Offer) and I met with the labour council representative in our community to talk about how we could possibly do this through the Brampton, Mississauga and District Labour

Council by involving its membership. They represent a substantial number of trade unions in that community. He is quite excited about the concept. I think both the member for Mississauga North and I feel there is an opportunity to pursue it with the labour council perhaps being the lead group in the organization.

If we think of other groups, if we all think about our community, we might think about the senior citizens' groups. We have a senior citizens' group in Mississauga that is truly a remarkable organization, led by Mrs. Lucy Turnbull, a person of great fame, loved by many, many Mississaugans, a group that could motivate and indeed has motivated its membership to raise funds to help build a wonderful senior citizens' social centre on Cawthra Road in Mississauga. So we have a major group there.

We have many multicultural groups that are clearly looking for ways to motivate, to generate enthusiasm within their own organizations and to try to direct the energies of their groups into specific areas. I submit they would be extremely interested in this kind of concept.

We have the labour umbrella groups I referred to, the labour council concept, the individual labour unions and corporations that are very responsible that I think would be interested in providing a facility, a service, for their employees and the families of their employees if it was done in a comprehensive way; service clubs—the list goes on and on.

### 1020

Clearly, there is a way to develop such a facility if we can only generate the enthusiasm and the leadership from within the community, because government cannot continue to do it all. We see our health care budget taking a third of our entire provincial budget, and throwing more money at the situation, in my view, is not the solution.

I have two minutes plus left in my time allotment and I would appreciate the opportunity of saving that for some wrapup comments after others have spoken.

**Mr. Morin-Strom:** I am pleased to be able to speak to this particular resolution because it is one that hits very close to my heart. Being a resident of and the member for Sault Ste. Marie, I am aware of and very closely involved with the group health centre there. I commend the member for bringing forward this model as a very appropriate one for health care in Ontario, because it has proved so successful in my community of Sault Ste. Marie.

This centre was formed back in the late 1950s by a very dedicated group of steelworkers at Algoma Steel Corp. The steelworkers there were convinced that a better system of health care could be provided to the people of northern Ontario than was being provided by the system which was in place at that time. They banded together and self-financed the start of this centre at a time when the north was certainly not receiving the kind of health care other communities were. The costs of health care in Sault Ste. Marie were much higher than in other communities at that time and the steelworkers recognized the importance of a group approach to a health care facility which would provide new services to our community which had not been there in the past.

I would like to commend the United Steelworkers of America for the work they did back in those years and the work they have done in maintaining this health centre since then. To this date, the majority of the board of directors of the group health centre in Sault Ste. Marie are members of the United Steelworkers of America. They continue to have overall control of the centre and it is really their initiative which has provided this sterling example of an alternative health care facility for Ontario.

Many of us here in the Legislature know—perhaps others are not as aware—that the family of the member for Mississauga West (Mr. Mahoney), who has brought forward this resolution, was very involved in this program. In fact, his father, Bill Mahoney, who was at that time the national director of the United Steelworkers of America, was one of the original board members and founders of this group health centre. I can certainly understand his pride in this facility and why he would want to bring it forward as an important example of what kind of health care is possible in the province.

The best testimonial that can be made for this health centre is the fact that it is one in which the membership is completely voluntary. The fact is that people in Sault Ste. Marie have the choice of whether they want to go to their own private, individual physician, as is the case with the vast majority of residents in the province, or whether they want to be associated with this particular health centre. Given that choice, the fact is that in a community of just over 80,000, 50 per cent of the residents of Sault Ste. Marie, more than 40,000, are members of the group health centre.

In fact, my family have been members of the group health centre for the years since I returned to Sault Ste. Marie after completing university.



We have found that the services there really do provide not only equal care but, in our view, better care than is provided through the route by which most individuals are getting their care in Ontario.

There are real advantages to membership, to belonging to a health centre like this, particularly for families that have young children. We have found that, in terms of family care, with the kinds of minor ailments that children come up with from time to time—the sore ears, the minor injuries, the fevers or ailments that one cannot quite identify in young children—with those kinds of semi-emergency cases where families want to bring their children in to get a quick assessment, it is much easier and much quicker to get that assessment through the health centre than it is either by trying to go to your family doctor who in many cases is not available, of course, on a moment's notice or by having to go to the emergency wing of a hospital.

In most communities in Ontario, when one has a case that one is concerned about in one's family, one has to go to an emergency wing of a hospital to get quick care. Most people, I think, know the kinds of bottlenecks that occur in the emergency wings, the difficulty in getting quick service unless you are a very, very serious emergency, because of the shortages of staff and facilities that the hospitals have.

The group health centre has a very efficient system of emergency care in off-hours which is oriented to the kinds of family problems that occur from time to time, particularly with children. We have found that it is much easier, much quicker to get access to a doctor and to get a quick assessment of what your child's ailment is, get a quick prescription, pick it up right there at the group health centre and get the child back home. We have found real benefits to the operation of the health centre in Sault St. Marie.

The fact that more than 50 per cent of the residents of the Sault belong to this health centre proves the success of the operation of the centre. The centre has specialties in a wide range of areas. In fact, in some areas in the Sault the only specialist in Sault St. Marie is the specialist at the group health centre. It is much more than just family medicine and general practice medicine.

The centre in the Sault continues to grow. It has started up a satellite operation in the western part of the city, an area where we have not historically had very many doctors engaged in private practice. It has recently opened up a new women's health clinic adjacent to the main

facility and continues to attempt to provide more and more services.

Unfortunately, in terms of the overall system of government funding, there have been restrictions in terms of areas that the group health centre in Sault St. Marie would like to go into but has been prevented by the government from going into. We have to have a government program which is more accommodating to these kinds of alternative health care facilities and which provides the opportunity to go into new areas, such as the group health centre's desire to do day surgery. This service and many other services that they provide are really aimed at keeping people out of hospitals.

Study after study, tests of the group health centre population in Sault Ste. Marie versus those who are not in the population show that it saves dollars for the province. The per capita cost of a community health care centre like the group health centre is in fact lower than the cost of the typical medical care in the province. The capitation formula recognizes those kinds of costs, and the revenues that the centre has been able to get from the formula have enabled it to expand its services and provide better and new equipment for their positions over the years.

### 1030

Unfortunately, the medical community historically has not been supportive of this kind of concept. Certainly, the book *First and Foremost in Community Health Centres* by Jonathan Lomas illustrates the kind of problems that the community had in developing this centre, the absolute objection to it and fights with it that came from the College of Physicians and Surgeons of Ontario, the Ontario Medical Association in Sault Ste. Marie and most of the professional doctors there at that time. We have to encourage these alternatives and ensure that they do exist and that the solely for-profit system of medical care is not the only primary method of care in the province.

**Mr. J. M. Johnson:** I would like to congratulate the member for Mississauga West for bringing forth this resolution and tell him that our party intends to support it. I had not intended to speak on this resolution because our Health critic, the member for Parry Sound (Mr. Eves), who also happens to be the whip, did want to speak on the resolution. I am filling in and I will try to do my best to be supportive. I might say that the whip is engaged with the House leaders in trying to resolve the impasse that was brought about by the House leader for that side. I hope he will be doing something beneficial where he is.

I am not as knowledgeable as the member for Mississauga West who introduced the motion or indeed the member for Sault Ste. Marie who has just finished speaking, but I do recognize the importance of this type of resolution and have no hesitation in supporting it. I would just caution the members that I hope it is not one way the government is trying to ease the burden of health care costs on the present hospital system. I believe that the two have to be supported. Certainly, some of the issues that have been raised by our leader in the House are very critical and need to be addressed now, not through some form of resolution from this chamber in private members' hour.

I do not intend to reiterate all of the comments that were made pertaining to the benefits of health service organizations, but I would like to mention just a couple. Health service organizations do tend to provide special attention to health maintenance and illness prevention measures which will enhance the health status of the population served. That is very important. It is a consideration that this government has made a commitment to but does not really seem to be following up on. It is extremely important to bring to the public's attention the importance of illness prevention and ways that it in turn can enhance its own health.

Another very important objective of the health service organization is to decrease institutional health care by giving emphasis to ambulatory care, self-care and home care. I would very strongly like to support that concept of home care. In the riding that I represent, Wellington, Dufferin and Peel—Wellington now; I have lost Dufferin and Peel—we have many municipalities which are totally rural in nature and would receive very little benefit from the likes of this health service organization, but would receive immense benefits from the home care programs that could be delivered by this type of organization or which can continue to be served by the Victorian Order of Nurses, who have done an outstanding job in Wellington, Dufferin and Guelph.

I feel that this is an area that has been neglected by this government. It was very reluctant to fund the Canadian Red Cross Society and the VON when they demonstrated they had a deficit position. They play an important role in the health care service of this province, especially in ridings like mine, treating rural elderly people who, if it were not for the care provided by the VON or the Red Cross, would end up in a hospital situation.

I fail to understand why the government would not be supportive of their deficit position. Reluctantly—I say reluctantly—after one of our members, the member for London North, introduced an emergency debate on the issue to provide funding, the government in the next few hours decided that maybe we were right, that it should provide that funding which was needed to continue the service.

I fail to understand why the government would introduce a throne speech promising home care and encouraging people to maintain their residence if they so wished and saying it would be supportive of providing home care services. Since this is exactly what the VON and the Red Cross have been doing, why then create a problem for these organizations by not providing the funding necessary to do this very important job?

The government reluctantly agreed to fund the deficit, or at least most of it. In the case of Wellington, they agreed to pick up \$62,476 of a debt of \$80,640. While it is not enough, it is at least a move in the right direction. But if the government were really serious about its throne speech promise to provide home care, instead of fighting with the organizations that provide this service—whether it is provided through the VON or the Red Cross or through health service organizations such as the one in the Sault—instead of giving them a hassle over a deficit for doing the very thing the government encouraged them to do, why would it not suggest that indeed they expand their services, provide more services to these people who do require the health care services and who are willing to accept them in their own homes and to stay there instead of being forced to move into a senior citizens' home or hospital to receive the same types of services?

It seems to me that it would be logical to say to the VON in Wellington, Dufferin and Guelph, "Go out and service the people in your area to the best of your ability and we'll be extremely pleased to pick up the cost," because that cost will be about one tenth of the cost it would entail if they had to move into the hospital setting.

I would like to say that the entire thrust of the resolution has a lot of merit. There are certain areas we can expand to alleviate some of the pressure on the health care system, especially in the hospitals. I do not think there is one answer to it, but many answers. This could possibly be one way; support of the VON and the Red Cross would be another. I think it is a combination of many rather than a few key areas that will help to put a cap on our health costs; to reduce them if



possible, but certainly not allow them to increase, and at the same time to free the hospitals up to provide the necessary services that apparently are not being provided at the present.

There are too many cases being brought to the attention of the Minister of Health about people who are in need of heart operations and are not receiving them and then are paying the ultimate price. I would hope that if this resolution would be one way towards solving that problem, then indeed it is something that all members of this House should be willing to support.

In closing, I would like to commend the member once more for bringing forth the resolution and hope that the Minister of Health will pay some attention to it, and certainly that the Treasurer (Mr. R. F. Nixon) will be interested in finding it as one method of helping to solve the problem he is facing.

#### 1040

**Mr. Offer:** It is a pleasure and a privilege to participate in this resolution, a resolution which comes to grips with and addresses a very immediate concern for so many persons in this province.

I have had occasion to read over the resolution in some detail. The resolution speaks not only of a principle but also contains within it some very important factors, some very important criteria, such as the question of the alternative to hospital care in terms of community-based health services. It talks about the example of Sault Ste. Marie.

In the time allotted to me this morning, I would like to discuss in some detail those two aspects, the community-based health provision as well as the example found in Sault Ste. Marie. I would also like to take that example and superimpose it, if I might, in some way on what is the region of Peel, a part of which I, as the MPP for Mississauga North, represent.

First, I would like to compliment the member for Mississauga West on this resolution. He has spoken in his time period at some length and with an eloquence and a commitment to this resolution which I think is in many ways founded in the book which he has commended to the members to read.

This book, as he indicated earlier, is *The First and Foremost in Community Health Centres: The Centre in Sault Ste. Marie and the CHC Alternative*, by Jonathan Lomas. I have taken a look through the book, and if I might, I would like to quote one part for myself, with a few paraphrases within it. It states:

"One member of Barker's executive"—and members will recall that that is a reference to John Barker, a founding member of the CHC in Sault Ste. Marie—"in 1946 was Bill Mahoney"—that is the father of the member for Mississauga West—"an astute politician and a committed union activist. At that time, Mahoney was recording secretary in 2251, but in 1947 he left the local steelworkers for the national office, where he became assistant to the national director and in 1957 national director, both influential positions in the steelworker organization." I would like to underline this last sentence, which states, "His presence in the national office for over 20 years meant that more attention was paid to the Sault local than might otherwise have happened."

I think this speaks to the commitment and the dedication and effort put forward by Bill Mahoney. I think it also speaks to what may be a hereditary passage of genes to his son, the member for Mississauga West, because I dare say in many ways that is the type of description that one can give to the member for Mississauga West in terms of his dedication and commitment to this particular resolution at hand. Accordingly, I commend the member for Mississauga West for the work that he has put into this resolution.

In dealing with community-based health centres, we are talking about facilities which offer a range of co-ordinated primary health care and related services to a number of groups. These services are provided in a multidisciplinary manner and are specifically designed to meet the health needs of these groups. They are sponsored and managed by individuals and others interested in the provision of health and social services in the community.

They have very important advantages. They are responsive to health needs of the community and the individuals they serve and involve them in the treatment and care decisions. They consider health in a broad community and family context and emphasize improvement of health through health promotion. They are designed to improve access to appropriate health care services. They offer a comprehensive range of services which are co-ordinated at the individual level through a case management approach. They are funded on an alternative to the fee-for-service basis, and all staff, including physicians, are salaried employees responsible to the centre's community board. They promote cost-efficient and an optimal use of a variety of health care professionals such as health educators, nurse practitioners, nutrition counsellors,

physicians, social workers and community outreach programs.

The member for Mississauga West went into the example of Sault Ste. Marie in some detail. In the time permitted to me, I am not going to reiterate what he has said, save for the fact that it is a centre which has been in existence now for 31 years. It is a centre of success. It is a centre which has responded to the needs of the community in increasing access to health care. It is a centre which has, in a very fundamental way, brought residents of a community into the planning of health care in the community in which they live.

If that is a success, and it is, then can we superimpose that, the example of the Sault, the example of community-based health facilities, on the region of Peel, for instance, it being a region of dynamic and increasing growth, an area greater than 600,000 people at present? It is a region growing not only residentially but also in the industrial, commercial and retail sectors. With such growth, no matter how well planned, no matter how well prepared the politicians at all levels may be, come greater demands, a greater concern into the community.

I believe we can take the example of the Sault, take the example of Flemingdon Park, take the example of many other areas in this province and use that as a step in providing that type of service, as an example in the region of Peel through the use of community-based health facilities.

As the member for Mississauga West indicated, I have had occasion with him to speak to our local Mississauga-Brampton labour congress. They are interested, they are ready. I think we can build upon the successes of these types of facilities by bringing in a larger client group, if I might use that term; not only the industrial sector but different community groups such as seniors, whatever limitation our imagination might wish to put; because there are groups of interested individuals who want, at the very minimum, to sit down and talk about this concept, which has provided examples of success in the past and is building upon that success.

I think the region of Peel, for one, and other areas throughout the province should be investigating this whole question of community-based health providers, should be talking about how we can bring the individual community to the table in the planning of health care, how we can create an environment which is supportive of physicians and other health care personnel and which allows a flexibility in responding to the health care needs of the population served.

We can, through such a service, develop a co-ordinated system of health care delivery. We can provide that special attention to health maintenance and illness prevention measures. We can decrease institutional health care by giving emphasis to these types of community-based provisions.

As time is running out, I would like to congratulate once more the member for Mississauga West. I invite all members of this Legislature to heartily support the resolution at hand.

**1050**

**Mrs. Grier:** I am glad to have an opportunity today to talk about community health centres. I really welcome the support and the understanding of the differences between health service organizations and community health centres and the need for community health centres which is evidenced by the mover and the other speakers to this resolution.

I too will be happy to support the resolution, though I do have a couple of qualifications that I want to put on the record.

The first one is that in the resolution moved by the member for Mississauga West, the preamble indicates that to recognize the ever-increasing costs of hospital care is a reason for community health centres. While that is one of the reasons, of course, I am always a little worried when I hear arguments in favour of community health centres based on the assumption that they are somehow going to save money, because I do not think that is necessarily true.

I think what they are going to do is perhaps allow money that is now used in hospital emergency rooms and extended stays in hospitals to be used in other health-related fields, but I think it is unfortunate to assume that because you have a community health centre you are suddenly going to save money. What you are going to be doing is spending health care dollars much more effectively than you are at present and spending those dollars on the prevention of health care problems. For example, the Sault Ste. Marie figures show that there is a 48 per cent lower use of hospital emergency departments in the Sault as compared to comparable communities, and a much lower utilization of hospital beds.

The other qualification I have with the resolution that is before us today is the implication that the model used in the Sault is a model that ought to be used in all communities. I recognize that the member for Mississauga North understands that is not necessarily the case, but I think it is an important point to make. The Sault



project suits that community. The project I am involved with in my community, the Lakeshore Area Multi-Service Project, LAMP, suits my community.

The very basis of community health centres is that they reflect the particular community in which they are located, and as they are a grass-roots kind of service they must respond to the particular needs of their community. It is very dangerous to imply—and I know the member is not necessarily doing that, but sometimes the ministry does—that a model that suits one community will necessarily be applicable to another.

My own involvement with community health centres began back in the early 1970s. There were at that time very few in the province of Ontario. There was the Sault, which has existed for some time as a result of the actions of the United Steelworkers of America to get it going, but when I became involved in trying to get LAMP organized, there was the York Community Services and there was a health centre in South Frontenac on Sharbot Lake. We in LAMP felt this was the kind of service that our community needed, and we had a devil of a job persuading the Ministry of Health and the Ministry of Community and Social Services that this ought to be the case.

We eventually got funded and opened our doors in 1976, classified by the ministry, along with York and Sharbot Lake, as a pilot project, and we struggled for many years to get secure, ongoing funding. It was only when the Honourable Larry Grossman was Minister of Health that the commitment was made. We have certainly gone from strength to strength, and the kinds of services that are provided are wide-ranging and reach out into the community, and have done a lot to make a community with a variety of health and social needs better served.

I therefore certainly welcome the commitment and the support that is being voiced by the Minister of Health—certainly, in discussions of her estimates last November she indicated her support for community health centres—and by the members of her caucus as evidenced by the support for the resolution today.

I want to say, though, that just as the member for Mississauga West has indicated the need to work with communities and to bring together coalitions of interest to get these centres going, I hope when that work is started, that expression of interest is not going to be stifled by the red tape and bureaucracy of the process that eventually leads to funding.

For example, in my own community there is an area that is known as Stonegate. Stonegate is a rather unique pocket of mostly low-rise apartment buildings tucked away on the easterly border of Etobicoke and surrounded by a fairly affluent single-family area. There are over 6,000 people living in the neighbourhood known as Stonegate. Eighty-seven per cent of them live in apartments, 78 per cent of the households are families and one third of the population has a mother tongue other than English.

The education levels and the household income levels in Stonegate are lower than the average, both in the city of Etobicoke and in Metropolitan Toronto. So when I began working with that community some years ago to begin to identify their needs, because there is an absolute lack of social recreation or any kinds of community facilities—not even a community centre where a community meeting can be held—health needs were quickly identified as being something that the community needed.

A committee has been formed by the Stonegate Community Association to get a community health centre going. That organization was successful in persuading a group of students at Ryerson Polytechnical Institute to do a survey of the community, which they have called A Needs Analysis for the Proposed Stonegate Community Health Centre.

The conclusion of that survey found that there was only one doctor in the neighbourhood serving that population of 6,000, that many of the people in the community had to go quite a distance to get to their own family doctor, but in emergencies they made extensive use of the emergency departments at St. Joseph's Health Centre and Queensway General Hospital, that two thirds of the residents were dissatisfied with the level of care available to them and that 30 per cent had experienced problems in obtaining medical services in the past.

When asked if they would use a health centre, 52 per cent of those surveyed said they would use it regularly and 37 per cent said that they would use it occasionally. If ever there was a community where the kinds of criteria that had been talked about in this debate this morning are applicable, it is Stonegate.

We have an active citizens' organization attempting to identify and promote the needs of the community, we have the criteria of a community with special needs that could well be served by this kind of locally based health service and we have a very lengthy, extensive, time-consuming, enervating process to go through

before the funding will be approved. The application has to be made to the district health council, the district health council has to obtain from the minister the funding that is required and then juggle a whole range of competing demands before recommending to the ministry that yes, this particular application for a community health centre deserves support. Then, of course, the minister has to make her decision.

My point in describing that is to plead with the minister and with the government members of this House to perhaps translate much of the goodwill and the support for community health centres that has been expressed here today, and in other speeches by the minister, into practical means of quickly responding to the identified demands of communities. There is a very real opportunity to translate the concern that has been expressed into direct action.

I certainly welcome that expression of concern and hope that the debate today will lead to a better process, a faster process, and more important a much greater allocation of funds to this very necessary and very worthwhile sector of health care.

**The Acting Speaker (Mr. M. C. Ray):** The time remaining permits only the member for Mississauga West to conclude the debate.

**Mr. Mahoney:** I would like to thank the member for Kingston and The Islands (Mr. Keyes) who was ready to speak, but we have run out of time on this debate this morning. I am confident he would have been speaking in support as the parliamentary assistant to the Minister of Health and I appreciate that support.

I would like to thank the member for Sault Ste. Marie and the member for Mississauga North for their kind comments and support of the bill, and to make a brief comment on some of the comments by the member for Wellington (Mr. J. M. Johnson), who said in the beginning that he hopes it is not a way the government is looking to ease the financial pressures on hospitals. Frankly, quite unabashedly, I say it is. That is indeed the intent from my perspective, that hopefully we would be able to do that.

**1100**

I would like to wish the member for Etobicoke-Lakeshore (Mrs. Grier) well in the future success of the community health centre that she is working with her community to establish. I thank her for the comments, but I do believe that indeed it is a way of saving money by redirecting the money and spending it more effectively and more efficiently.

I quite agree that the Sault model may not necessarily be the model that would apply in Etobicoke-Lakeshore, Mississauga, Oshawa or wherever. Each project must reflect the nature of that community, but the concept is there and the concept works. As I mentioned in my talk, there is one in Flemingdon Park, Don Mills, that is very successful; a similar concept with a different twist. We do not just go on a rote system of establishing one way of doing it; we must look at all different kinds of alternatives.

Finally, I think there would be a tremendous spinoff in side benefits from such a project in Mississauga, in the region of Peel, and that would be the sense of community, the sense of ownership. At a time when we are facing tremendous strife, tremendous pressures, it could bring all the diverse groups, both cultural groups and economically diverse groups, together in a common cause that would be for the benefit of the entire community and its families.

## CONSTITUTIONAL REFORM

### RÉFORME CONSTITUTIONNELLE

Mr. Chiarelli moved resolution 57:

That, in the opinion of this House, the government of Ontario should consider the following in its consultative constitutional process:

1. The promotion of an amendment to the Canadian Constitution adding a subsection 6 to section 33 of the Constitution Act, 1982, to give to the Parliament of Canada and to any province the option to permanently render inoperative within its jurisdiction the "notwithstanding" provision, and that if such an amendment were made to the Canadian Constitution, the government of Ontario would, as soon as practicable, permanently opt out of the right to use the "notwithstanding" clause and would further encourage the Parliament of Canada and all other provinces to do likewise.

2. To refer to the Ontario Court of Appeal an appropriate question to determine if federal power of disallowance as set out in section 90 of the Constitution Act, 1867, (The BNA Act) is a subsisting and usable power for the Parliament of Canada or is it a power rendered inoperative by constitutional convention and, if such power is a subsisting and usable power for the Parliament of Canada, can the power be used by Parliament to disallow a provincial statute, law, regulation or provision which has the effect of depriving any individual or legal entity of basic and fundamental human rights and freedoms.



**The Acting Speaker (Mr. M. C. Ray):** The member for Ottawa West will know that he has up to 20 minutes for his presentation and may reserve any portion thereof for wrapup.

**Mr. Chiarelli:** Before I deal with the substance of my resolution, I want to emphasize the context in which I am presenting it. In June of last year, the select committee on constitutional reform reported to this House, a report which was adopted by all three parties. The very first recommendation of the report was, "That the Legislative Assembly of Ontario establish a standing committee on constitutional and inter-governmental affairs." The report stated, "The dialogue must continue."

In Canada, today and for the foreseeable future, constitutional issues will play a dominant role and the pending standing committee on the Constitution will be significant in the framing of our province's part in the Canadian constitutional debate.

There is an uneasiness across the land, a fear that our social peace may be fragile and is threatened. The tremendous burden of responsibility on our 11 first ministers must become a shared responsibility. So it is that if this House at this time can become a small lightning rod to help focus debate, then collectively we will have played a small but important role in the process.

The intention of my resolution is to put into debate two related ideas which are worthy of consideration. I am asking the members of this House not to approve or reject the ideas themselves, but to refer them to a broader debate, including the standing committee on the Constitution and the public at large.

The first part of my resolution deals with the so-called "notwithstanding" clause. Let's be clear about what it really means. The Constitution Act, 1982, creates fundamental freedoms and equality rights which include: freedom of religion; freedom of expression; freedom of the press; and equal protection and benefits of the law, without discrimination based on race, nationality, colour, religion, sex, age or physical disability.

At the same time, the Constitution Act, 1982, says that Parliament or a province can declare that any of these rights and freedoms do not apply to any particular piece of their legislation or, in fact, do not apply to all of their legislation.

This is unacceptable to a majority of Canadians, but because it seems unlikely that Parliament and the provinces will soon agree to abolish their right to override the charter, the first part of my resolution asks the government of Ontario to

consider seeking a constitutional amendment to permit any province or Parliament the right to permanently nullify the "notwithstanding" clause within its jurisdiction. Ontario could then lead by example and entrench the charter without override for itself, and at the same time encourage others to do likewise.

It is in the interests of the people of Canada, and therefore the people of Ontario, to be subject at all times to a Constitution that effectively preserves and promotes basic and fundamental human rights and freedoms. Human rights and freedoms are indivisible, and allowing any province or Parliament the power to suspend these rights makes our country divisible.

Les droits et libertés ne doivent pas être pris isolément. Il est important de se rappeler qu'une province qui suspend aujourd'hui l'application de cette Charte des droits et libertés, et ce avec l'assentiment de la population, peut aussi la suspendre demain contre cette même population. Vers qui alors se tournera la population de cette province pour obtenir de l'aide? Qui leur apportera de l'aide si le parlement passe outre à la Charte pour suspendre les libertés civiles? Qui oubliera les événements d'octobre 1970?

Par conséquent, il faut se rappeler que la clause «nonobstant» est en fait une arme à double tranchant, et que notre société civilisée n'a pas besoin d'armes constitutionnelles si draconiennes pour résoudre ses problèmes.

Human rights and freedoms should remain indivisible. It is important to remember that a province which suspends the charter today with public approval can suspend it against that public tomorrow. Who will the people of that province then look to for rescue? Who will the people of that province look to for help if, indeed, the federal Parliament overrides the charter to suspend civil liberties?

Who will forget the crisis of October 1970? Therefore, let us remember that the "notwithstanding" clause is in fact a double-edged sword and that our civilized country does not need to solve its problems with such draconian constitutional weapons.

In conclusion on the first part of my resolution, I repeat that the rights and freedoms under our charter should be indivisible and unconditional. Ontario, therefore, should consider the alternative of unconditionally entrenching the charter within its jurisdiction without override and should encourage other provinces and Parliament to do likewise.

The second part of my resolution, and I might say very much related to the "notwithstanding"

provision, deals with section 90 of the British North America Act. Since this section has received little public discussion in recent years, I would like to give a brief bit of background.

The disallowance or veto of provincial statutes by Parliament is authorized by the Constitution Act, 1867; that is, the BNA Act. In 1938, the Supreme Court of Canada ruled that the power created by this section was "subsisting" and not subject to any restriction, with the exception that the power had to be exercised within the prescribed period of one year. Historically, the federal government has disallowed or vetoed 112 provincial acts or bills, but no act has been disallowed or vetoed since 1943.

### 1110

The nonuse of this power over the past 45 years may have given rise to a constitutional convention against the exercise of this veto power. Constitutional conventions are rules that are not enforced by the law courts but are regarded as obligatory by the officials to whom they apply and whether or not a convention exists against the use of the disallowance or veto power, the power still appears today to be valid and unrestricted in law.

One might ask why it is important that the disallowance provision of our Constitution be revisited at the present time. In my opinion, it has been indeed a strange phenomenon that section 90 still remains a legal part of our Constitution. Why and how could the drafters of the Constitution Act, 1982, not have eliminated section 90, the veto power? Could it be that there was simply an assumption that there was a convention against its use? Could it simply have escaped their minds?

Let me refresh our memories. At the very time the 1982 Constitution Act was being drafted, the Supreme Court of Canada, in its *Patriation Reference* 1981, dropped on to the desks of each first minister, his advisers and the Canadian public a court decision which commented on the veto power. In the context of dealing with the constitutional convention issue, the Supreme Court of Canada stated in 1981 that, effectively, if a provincial law were vetoed by Parliament, the courts would be bound to enforce the veto.

It is therefore imperative, in my opinion, that in the light of this background we look at the section 90 veto power in relation to the "notwithstanding" clause. The "notwithstanding" clause was enacted in the 1982 Constitution Act expressly to override fundamental freedoms and equality rights. Yet the strongest legal argument to apply the federal veto power is to veto

provincial laws which offend against civil liberties.

Consider the following authorities. Mr. Justice G. La Forest, in his book on disallowance, stated, "The makers of our Constitution, in order to prevent the local legislatures from abusing their legislative rights, granted to the government the power of annulling provincial legislation."

Further, in 1974, Senator Eugene Forsey stated, "There can be no doubt at all that the Fathers of Confederation considered the power of disallowance one of the strongest safeguards against acts of tyranny and usurpation by provincial legislatures."

Further, constitutional expert R. MacGregor Dawson favoured the disallowance of "provincial acts which affect fundamental rights of Canadian citizens. These rights should be the same in all provinces of Canada and should be unassailable by provincial statutes."

Furthermore, legal scholar Paul Weiler stated, "While it would raise local hackles, Ottawa should be prepared to scrutinize the use by provincial legislatures of their non obstante authority and to disallow any instances of flagrant denial of basic human rights."

Finally, and more recently, in the words of a leading constitutional lawyer, "The power of disallowance is already in the Constitution and is operative.... Ottawa has the constitutional authority to override the override."

Therefore, I ask the question again, why was the section 90 federal veto power not removed from our Constitution by the first ministers in 1982 when the veto's most likely future use would be to kill a provincial law which infringed upon civil liberties, when they knew section 90 might be used to override the override?

It is time for us to appraise the value or otherwise of the federal veto power by referring it to the Court of Appeal. We may then debate whether to keep it or abolish it, but in the context of today's constitutional dynamics, we cannot ignore it.

In summary, therefore, I ask the House to consider the following: First, through the "notwithstanding" clause amendment proposed by this resolution, let us not fear to lead by example.

Second, by means of the disallowance or veto aspect of the resolution—that is, referring the issue to the Court of Appeal—let us not fear to explore and test our present constitutional realities.

Finally, let us recognize Jefferson's principle that each generation has the right to choose for itself the form of government it believes most



promotive of its own happiness. Therefore, let us collectively and individually participate in the constitutional process of our generation, knowing full well that with our Canadian diversity every agreement will be a compromise.

**Mr. B. Rae:** I am happy to participate in this discussion. I regret that the Premier (Mr. Peterson) is not here to say a few words, but I do want to speak in this debate, as I have on other matters involving constitutional reform, because I regard that as one of the jobs of a Leader of the Opposition and I do not intend to duck my responsibilities. I want to speak very directly to the motion being put forward by the member for Ottawa West (Mr. Chiarelli).

I do not agree with the proposal being made by the honourable member and I want to say why. Let me, first, dispose of the second point he is making, that we should refer to the Ontario Court of Appeal a theoretical question as to the status of a particular section of the British North America Act. It is my judgement that the Court of Appeal would not even consider this kind of reference because of its totally academic nature. It is not in the nature of the Court of Appeal in this province, nor of the Supreme Court of Canada, to deal with theoretical subjects.

I know there has been a great deal of discussion about referring other sections of the Constitution or, indeed, even sections of the constitutional accord at Meech Lake to the Supreme Court or the Court of Appeal for a decision, and I think those references are extremely difficult to contemplate. It is not like sending a piece of legislation to a court and asking it, as we have done with respect to education, to relate that to particular sections of the Constitution and asking what to do in a particular circumstance.

This is asking an academic question: What is the status of a particular section of the British North America Act? I think the Court of Appeal would say that the status of a particular section of the British North America Act is that it is part of the Constitution of Canada. Whether it is invoked is a matter of political practicality and essentially a political judgement to be made by politicians and not a judgement to be exercised by judges.

But let me come to what I think would no doubt be considered to be the central thrust of the member's resolution; that is, this question of the "notwithstanding" clause in our current Constitution, our current Charter of Rights.

I was a member of the House of Commons throughout the discussions on constitutional

reform proposed by Mr. Trudeau after the 1980 general election. I can honestly say, as I have said on other occasions in this House, that my views on this matter of the "notwithstanding" clause have changed. I was one of the hawks, if you like, in our group at the federal House in favour of patriation of the Constitution with a charter, and I was also one of those who, together with the Conservative government in power in this province at that time, were very much in favour of our moving ahead. I felt that if we waited for ever it would not happen, and that we had a chance to do something and that it was important to do it.

I gave a speech in the House, which members can read, on the matter of the effect of a charter and on the importance of having a charter, and I would now like to say that when the premiers got together in that kitchen and came up with the "notwithstanding" clause, which was basically an effort to make a charter compatible with the constitutional position taken by a great many of the premiers who had dissented against the original patriation plan promoted by Mr. Trudeau, I was sceptical.

1120

But I now want to say that on reflection and on consideration and looking now as I do from a different perspective, I think that the existence of a "notwithstanding" clause is a good idea. I think that it is essential in finding a balance between what courts do and what judges do and what legislatures do. I am not prepared to take a vow, as a legislator, to say that there are no circumstances that I can consider under which, if I were to be Premier, I would not argue on a given occasion that this Legislature should not invoke the "notwithstanding" clause and insist on passing legislation notwithstanding the existence of certain sections of the Charter of Rights.

I want to say why, because at first blush that might seem like a statement that would be surprising to come from a civil libertarian. But let me say that I make this point: On Tuesday of this week, the New York Times had a headline on the front page establishing that the Supreme Court of the United States in its wisdom had voted six to three to disallow a municipal statute coming from the city of Richmond, Virginia, a statute which was designed to set aside 30 per cent of Richmond, Virginia's business to minority businesses.

The Supreme Court voted six to three to disallow that statute on the ground that it was contrary to section 14 of the United States Bill of Rights, which, as you will know, Mr. Speaker,

because of your legal training in a city right next door to the United States, is the rough equivalent of section 15 of our charter.

I want to quote to this assembly the dissent of Mr. Justice Thurgood Marshall, who is one of the last remaining liberals. As members will know, he was the lawyer who argued the case on behalf of the National Association for the Advancement of Colored People in the very famous *Brown versus Board of Education* case of 1954. He was the first black Chief Justice of the Supreme Court of the United States appointed to the bench by Lyndon Johnson. He said:

"I find deep irony in second-guessing Richmond's judgement on this point"—that is to say the question of whether or not there was discrimination in Richmond. "As much as any municipality in the United States, Richmond, Virginia, knows what racial discrimination is. A century of decisions by this and other federal courts has richly documented the city's disgraceful history of public and private racial discrimination."

He goes on to say:

"More fundamentally, today's decision marks a deliberate and giant step backward in this court's affirmative action jurisprudence. Cynical of one municipality's attempt to redress the effects of past racial discrimination in a particular industry, the majority launches a grape-shot attack on race-conscious remedies in general.

"The majority's unnecessary pronouncements would inevitably discourage or prevent government entities, particularly states and localities, from acting to rectify the scourge of past discrimination. This is the harsh reality of the majority's decision, but it is not the Constitution's command."

I would also like to quote from Mr. Justice Blackmun, who says:

"I never thought that I would live to see the day when the city of Richmond, Virginia, the cradle of the old Confederacy"—and I remind members that Richmond, Virginia, was the capital of the Confederacy in the Civil War—"sought on its own within a narrow confine to lessen the stark impact of persistent discrimination. But Richmond, to its great credit, acted. Yet this court, the supposed bastion of equality, strikes down Richmond's efforts as though discrimination had never existed or was not demonstrated in this particular litigation."

The reason that I raise this example is not to make a theoretical point but to make a very practical one. If we really believe that judges alone have wisdom when it comes to deciding on

matters of individual rights, then by all means get rid of the "notwithstanding" clause. But if we believe, as legislators, that judges too can be wrong, that judges too can be, yes, in a broad sense, politically motivated and that the courts alone do not have a monopoly on wisdom when it comes to establishing the balances between individual and collective rights, then I say the "notwithstanding" clause is a very necessary safety valve.

If we ever needed some proof of that, it seems to me that the recent decision of the United States Supreme Court is an interesting example. This is not a decision that I could easily live with if I were a legislator in the United States, and I would dearly love to have a "notwithstanding" clause allowing me to say, "We thank you very much for your opinions, your justices, but we disagree with you, and this is why we disagree with you." That is a right that we, as democratic, elected legislators, have a responsibility to assert and that is precisely what maintaining the "notwithstanding" clause does.

**Mr. Sterling:** This debate that we are having today, in the view of our caucus, is an extremely important debate in that it is dealing with matters that are of tremendous significance in how our country should be run in the future and the framework in which it should be run.

Therefore, our caucus in total has asked me to say on its behalf that we deem that this is an improper kind of resolution to bring forward in private members' hour. While we say that, we recognize as well the dichotomy that the member for Ottawa West is in when bringing a resolution like this on.

In the past, in terms of dealing with constitutional matters, both our party and the New Democratic Party have allowed a significant amount of liberty or freedom with regard to their members' participation in the debate and their decisions on those constitutional matters. Unfortunately, the constraints that are upon us with regard to private members' hour leave only one opportunity for one member to speak.

The views of the member for Carleton may not be the views of the other members of his party, nor perhaps would our caucus want to take the position that any member should be bound by a party position on as important a matter as this, dealing with not only today's problems but also our future in Canada in a long-term sense. Therefore, it is unfortunate that the member for Ottawa West has only this kind of method to bring forward his concerns.



Today, our House leader, the member for Nipissing (Mr. Harris) wrote an open letter to the government House leader, the member for Renfrew North (Mr. Conway):

"It is the view of our caucus that the ballot item standing in the name of Mr. Chiarelli, dealing with the Canadian Constitution, is of such significant concern that it would be inappropriate to deal with it during the limited time available in private members' hour.

"As you are aware the purpose of the private members' hour is to give backbench members the opportunity to raise matters of particular interest to their respective constituencies. When Liberal private members' resolutions are debated, because of the rotation, our caucus normally only gets one speaker for a limited address of 10 minutes.

"It is our view that Mr. Chiarelli's motion deals with a matter of much greater concern and should be raised in a more appropriate forum. Therefore, we would recommend that you request Mr. Chiarelli withdraw his motion..." etc.

That basically expresses the view of our caucus, but I do want to temper that with the fact that the member for Ottawa West was faced with a tough choice here. I think that any member for Ottawa-Carleton, including myself and the member, knows probably that that community would pay more attention to issues of this nature than perhaps the rest of the country because it is the federal capital. Many of the people, many of his constituents and many of my constituents, work on Parliament Hill.

### 1130

I want to indicate also that during the Meech Lake accord hearings, there were a number of companion resolutions put forward by our party with regard to further constitutional discussions. We would have liked at that time, through a committee decision where a consensus could have been arranged, to put forward a companion resolution with regard to future discussions on the Constitution of our country.

While I appreciate the immediacy of the forum of this resolution dealing with the "notwithstanding" clause because of recent events in Quebec, there are other priorities which some of the members in our particular caucus have with regard to the Constitution.

The member for Ottawa West may argue that he is not saying to the members of the Ontario Legislature, "You must take a stand on either scrapping or not scrapping the 'notwithstanding' clause." He may say, "We are only making a

resolution, and therefore I would expect the government to send this resolution out to a committee of the Legislature." The problem is that the perception—I only quote the Ottawa Citizen with regard to this. The headline is, "MPPs to Debate Scrapping of Notwithstanding Clause."

I think it is impossible in terms of the time I have to speak on behalf of my 16 colleagues—I do not have that opportunity—to discover the arguments surrounding this particular issue when the message which is going to be given after 12 o'clock today when we vote on this resolution is whether members of this Legislature are in favour of the "notwithstanding" clause or are against it.

I was very interested in hearing the member for York South (Mr. B. Rae) put forward his views on this issue, because it is an argument I have not heard too often or with too much force, so I was very interested in that aspect.

I think the genesis of the "notwithstanding" clause came from western Canada. I think it is unfair for members of this Legislature to cast, even in a perception mode, which is what is happening here today, their support for this kind of resolution to scrap the "notwithstanding" clause. I think we should have those people from out west, who presumably would still support the inclusion of this clause in the Constitution.

I guess the second issue which the member for Ottawa West may use in response to that argument is, "All my resolution says is that each and every province should have the right to exclude that right for their individual province with regard to the future in terms of our Constitution."

Quite frankly, I would argue vehemently against the inclusion in our Constitution of clauses which differentiated between the 10 different provinces and our federal government as much as is possible. Therefore, I would not like to see that three provinces or four provinces or two provinces or one province chose to deal with a generic clause like the "notwithstanding" clause in a different manner than a neighbouring province or an adjacent province. I think there is a significant argument to be put forward on that aspect as well.

This House, two or three years ago, chose very definitely to rely on another part of our Constitution to take a very discriminatory action. Of course, I refer to section 93, whereby we discriminated in favour of one religious group in Ontario to the detriment of every other religious group.

As members know, I took a strong stand in that particular debate. I find it somewhat hypocritical to take the stand now that we want to deny that future power with regard to other kinds of situations which may arise in this province in the future when in fact we have done that in such recent past.

The overwhelming majority of the Legislature made a decision which the Supreme Court of Canada said without section 93 would have been contrary to the Charter of Rights and Freedoms. We made that decision consciously and voluntarily in this Legislature, yet we are now talking about limiting that kind of flexibility in the future.

Therefore, I find it somewhat confusing and so do people within my constituency. In fact, the former New Democratic Party candidate wrote a letter to the Ottawa Citizen pointing out this very fact.

I would like to congratulate the member for Ottawa West for bringing this forward, but we have difficulty in terms of the forum in which it has been brought forward.

**The Acting Speaker:** In view of the statements by the member for Carleton, I feel I am obliged to remind the member and the third party of the provisions of standing order 71(e) on how a vote may be blocked and not brought to a vote.

**Mr. Beer:** I think that when we enter into constitutional debates, and in some respects we do not do that often enough, interesting points emerge. That is one of the real values of debating these issues.

I would like, first of all, just to deal with a couple of comments made by the previous speaker. I think one of the things that those of us who were on the select committee on constitutional reform felt as we were wrestling with the various issues around Meech Lake was that there was a need for more open debate and, if you like, a need to kind of demystify the constitutional process.

In that regard, I am delighted that my colleague the member for Ottawa West has brought forward this motion, and the operative words, as I look at it, are the words "to consider." I think that, as with a great number of issues that are brought before us, there has not been the kind of public debate, outside of the first ministers or attorneys general and outside of the academics, on a number of these issues where we can say with a sense of certainty that we know what we want to do.

It seemed to me that in the context of a private member's motion dealing with the "notwith-

standing" clause, this would give at least some of us, initially, an opportunity to raise some of the issues that we have to grapple with before determining what we are going to do. My support of the motion is that I see this going, like the recommendations from the select committee, to further study and review by the standing committee which I hope will be formed this year, and indeed by a broader public.

I say that because I would like to encourage at any future time when we enter into these debates—I know that within the Liberal Party of Ontario there are differing views about the "notwithstanding" clause. The points that were raised by the Leader of the Opposition (Mr. B. Rae), both today and during the debate on Meech Lake, would be, I think, accepted and indeed taken in the same light by a number of my colleagues. I find a number of the points he has made this morning to be very compelling and ones that we do have to look at.

It seems to me that in looking at the "notwithstanding" clause, there are a number of factors that we want to review.

First of all, again, the way it came into the Constitution, through the so-called kitchen meeting, has meant that we have not had the kind of in-depth discussion of what it means or how we would like to see it applied, to what extent we want to keep it and in what way.

#### 1140

There are some arguments, such as the ones advanced by the Leader of the Opposition, as to why we ought to keep it. Professor Peter Russell has argued that because it comes back every five years, it does allow legislative bodies to reconsider what it is that they have taken action on where they have used that "notwithstanding" clause.

At the same time, we had before the select committee various groups—particularly minority groups of different kinds, whether ethnic minority groups or disabled, and certainly many women's groups—who were terribly concerned about what they saw happening or what they perceived might happen in terms of the Meech Lake accord and those rights. Those people look on any kind of action that a government may take as somehow being threatening or having the potential to be threatening to them. Many have decided that the greater strength for them lies in the courts.

If we look at the Charter of Rights at this point, there are a number of areas where, frankly, I do not think we completely know yet in terms of, say, sections 2, 7 and 15, exactly what we mean



in terms of applying those rights. Do we really want to give to the courts the final decision in determining what we should do with those?

There may be some other rights—perhaps the older, more fundamental ones, I suppose, in the context of legal rights—where perhaps we do have a firm view and a firm decision. We may, after public debate and discussion, want to move to a somewhat more limited “notwithstanding” clause. The whole issue of the “notwithstanding” clause is very Canadian. Here we have a Charter of Rights and in the middle of it we plunk down what would seem to be something totally contrary to the spirit of having the charter. Yet we wrestle with that balance within our own Constitution between the role of Parliament, the role of the legislative assemblies and the role of the courts.

The example which the Leader of the Opposition has presented this morning poses that dilemma very acutely, I think. If we looked at that in the Canadian context under section 15, which deals with similar kinds of rights, where we are evolving and trying to bring about better and more effective programs that deal with discrimination in that area, I certainly can see the argument that we want legislatures to remain active.

But when we look at the whole area of the clause, I feel there is again not an understanding of both what it applies to and what effect we want it to have in the future. Are there different ways we might be able to find to achieve that purpose and to clarify more firmly certain rights which can then be more enshrined, if you like, than they are at the present time?

I believe that in supporting the consideration of my colleague's motion, we are helping to put into the process a number of key issues over and above the ones that were identified in the select committee. I think we must have that kind of full public debate around the “notwithstanding” clause that will certainly include looking at the way in which it was used in Quebec and at ways in which perhaps there is a validity to having that clause and why that or something like it would be important to keep.

What I want to see is that we get down to the business in a more normal and regular fashion, where legislative bodies can actually deal with these issues and where individual members can feel they can speak perhaps more freely on them without always having the sense that, “My gosh, if we even discuss this, somehow the fabric of the country is going to fall apart.” We have to become, I suppose, more at home with constitu-

tional principles and issues and be freer to discuss them so, I think, we can come up with better solutions than we perhaps have in the past.

At this point, I want to link that consideration back to the various recommendations which we made in this Legislature through the select committee and the adoption of its report, because what we did there was to establish clearly a number of key and critical issues for the next round. I think they remain very much issues at the front of any agenda that would be brought forward.

Naturally we want to wait and see what the committee from New Brunswick proposes on a number of issues. Given events of the past year since our report came forward, they may very well decide that they want to bring forward some recommendations with respect to the “notwithstanding” clause, and I think that would be something a standing committee of this Legislature would want to review.

It is my hope that ultimately Manitoba will return to review the Meech Lake accord in the light of its own understanding of the issue as well as in the light of our report and those of the federal Parliament and New Brunswick.

All of these, though, have to be put on the table and examined. The member for Ottawa West has said, “Here is a possible approach.” In looking at that approach, we may decide it is not a useful way to go. We may decide some other way is a useful approach to it. We may decide, as I say, to limit the applicability of the “notwithstanding” clause.

If we do not sit down and start to discuss some of these issues, I fear we again will end up in the kind of situation we had with the Meech Lake accord, where people were surprised that there was any kind of accord and where we did not have the kind of discussion we are having this morning, at least in a brief way, around this particular motion.

I support the member's motion. This should go out and be reviewed. The standing committee should add this to its agenda, so that not only we in the Legislature but a greater body of the Ontario public can have a better understanding of the constitutional issues as we try to work our way through these complex items.

**Mr. Allen:** I am happy to join in this debate on the issues of disallowance and the “notwithstanding” clause in our Constitution, in particular the latter since it has generated a good deal of debate recently around a few decisions made by particular provinces.

I certainly agreed with the Conservative member when he said that these are very large and difficult questions to deal with in the time available in private members' hour. I do not think that means they should not be discussed. I also want to say, like him, that we are all of us wrestling with these questions and that I do not think any one of our parties is wholly united around the attitude and position we should take vis-à-vis the "notwithstanding" clause in particular.

I know that when the Premier, perhaps in a somewhat mystified fashion, makes some remarks around the "notwithstanding" clause, he is not clearly articulating the full position of members of his own party in this House, let alone at large. I think the Attorney General (Mr. Scott) has expressed himself from time to time in a different vein with respect to the "notwithstanding" clause. I think I heard a member of a very relevant department at one point not so long ago wishing that leading members of government on all sides and across the country would refrain from ex cathedra pronouncements with respect to the "notwithstanding" clause.

I think that is all good advice, that we should all be reasonably humble in our opinions on this rather large and important matter. However, I do have to oppose the resolution, not because it is simply a reference to a consultative process or reference to the standing committee which does not yet exist, but because it does propose that a certain position be promoted with respect to the "notwithstanding" clause.

Let me say first of all that I think we misunderstand when we talk, as the leading proponent in this debate did, about human rights being indivisible. That is true, but it does not mean that the delivery of human rights is one and indivisible. There are many agencies that promote and defend human rights in our Constitution. In the final analysis it does not follow that because that is given to one agency, such as the Supreme Court, therefore human rights one and indivisible would in fact be defended. We have many agencies and many ways of doing that, and the legislatures of this country are principal among those which should be foremost in the defence and promotion of human rights.

1150

When he talks about the "notwithstanding" clause being an instrument to override human rights, that is quite contrary to the case. The point is that the courts themselves can be contrary to human rights in their decisions when one takes those judgements in their total context of both

governmental action and the power various groups have in the economy, etc., vis-à-vis each other when they go into and come out of court decisions. The result, the hope of an overriding clause, is that legislatures would remain in the struggle to affirm, continue and maintain human rights when courts go wrong.

The case in question which my leader referred to is a very important one in the United States. The judge in the case said laws favouring blacks over whites must meet the same constitutional test that applies to laws favouring whites over blacks. In other words, the decision cannot take any account of the differential in power of the two contestants.

Let me refer to a Nova Scotia decision relating to women, which characterizes many of the decisions that have been made under the charter with respect to women and their rights. In separation cases and divorce proceedings and the custody that follows, men's incomes go up and women's incomes go down. The result is a very big power differential. What did the Nova Scotia court decide in the context of a charter case with regard to legislation that provided women with support payments and not men? It said that equality had to reign and therefore the support payments for women had to be wiped out. They did not even go so far as to say that the men should get support payments. In other words, equality of nothing was better to the judges than equality of something.

If one looks at decisions that were made under the charter in recent months, one finds the same kind of drift. Let me cite very briefly a résumé of some of them. The Alberta Court of Appeal has held that freedom of association prevents governments from interfering in the formation of business partnerships. The power of the Combines Investigation Act to search corporate records for evidence of anticompetitive behaviour has been struck down by the Supreme Court of Canada for denying a corporation's right to privacy. The Court of Appeal has held that the right to freedom of expression protects commercial as well as political speech, thereby striking down provincial regulation of children's television advertising as a denial of the advertiser's right of freedom of expression. Legislation enabling unions to use compulsory collected dues for political and social causes has been struck down by the Supreme Court as denying workers freedom of association.

One can go on with a whole series of examples which indicate that under the charter, quite wrong decisions are being made vis-à-vis sub-



stantial human rights. In that context, it seems to me entirely inappropriate that legislatures, which have fought for and promoted legislation to provide substantial rights with respect to housing and income maintenance—you name it—for people across this province and across this country, should in any respect take a back seat to the courts when it comes to issues of repairing rights and the damages to people's rights.

Therefore, while I do not deny the value of the charter or of the courts, I do oppose this particular motion with respect to the "notwithstanding" clause.

**Mr. Chiarelli:** First, I want to comment on the comments made by the member for Carleton (Mr. Sterling) with respect to the appropriateness or otherwise of this particular issue in this particular forum at this time.

I can recall, I believe it was some time last year, there was a matter before this House in private members' time dealing with a resolution on a constitutional amendment to entrench property and civil rights in our Canadian Constitution. The member for Carleton, to my recollection, participated in that debate; he voted on it and the rest of his caucus did as well. I do not see a lot of difference between the nature of my resolution and the nature of the resolution he and his caucus debated last year. I have to ask whether it is a little too politically sensitive for his party to debate this issue in a forum which does not even bind his party or his caucus.

This particular time period is members' time and I do not need the member for Carleton to tell me what I should or should not discuss. I am very proud to discuss this issue at this time. I might ask if the member for Carleton were aware of the fact that last month a poll was taken of the people of Ontario in which 68 per cent of them said they disapproved of the "notwithstanding" provision of the Constitution and 14 per cent said they approved of it.

The people of Ontario are interested in hearing this issue as well as other issues debated in the open. The Meech Lake process left a sour taste in some people's mouths, because it was supposedly done behind closed doors. I am saying, let's take the issue of constitutional reform, put it on the table and discuss it in an open forum.

I repeat that my resolution deals as much with the process as with the substance. I am not asking this House today to agree or disagree with my resolution. I am saying it is an idea, it is a notion. Let's put it into the mill and churn it, along with all kinds of others.

The Leader of the Opposition wants to keep the "notwithstanding" provision in. I respect that position. I think that position should be put in the mill as well. I think we should get it into committee. We should get it on the table in public and we should start talking about these things, because the people in Canada and in Ontario today are concerned about the constitutional process. It should be an open process and I think that we have to give it credibility.

Therefore, I want to say I appreciated very much the comments of my colleague the member for York North (Mr. Beer) in saying that we are simply here talking about an approach to put in the mill, to discuss and debate further on down the road.

I want to make some additional comment on the "notwithstanding" provision. Certainly a court can be wrong; certainly a parliament can be wrong. Because either one could be wrong in any particular instance, does that mean we should give it to neither one? We have to make a choice; we have to make a decision.

My resolution is based on the premise that on this type of issue I put my faith in the court system as opposed to the parliamentary system. On that point, I would like to refer to a quote from a constitutional lawyer, Morris Manning, who has asked:

"If our freedom of conscience or religion can be taken away by a law which operates notwithstanding the charter, if our right to life or liberty can be taken not in accordance with the principles of fundamental justice, what freedom do we have?"

I also want to refer to comments made during the constitutional discussions. The opposition critic for the Liberal Party in the Quebec Legislature, who subsequently became Minister of Justice, spoke very strongly against the "notwithstanding" provision and said there are times when a province or a country would need to rely on strong protection against infringement of civil liberties. He referred particularly to the October crisis of 1970. It is a double-edged sword. I would be very happy to leave that decision to the courts rather than to the caprice of some parliament in one of the provinces at one time or another.

On the question of disallowance or the veto power, my resolution tries to link the question of the "notwithstanding" clause and the disallowance or veto power. It is not the first time that link has ever been made, because during the pre-1982 constitutional negotiations the federal government proposed the elimination of the disallow-

ance power. Therefore, it implied that it is there and that it can be used.

The proposal was contained in the constitutional amendment bill of 1978. The bill created a Charter of Rights and Freedoms that would be binding on Parliament. The provinces, however, would not be bound by the charter, unless they so chose. Where a province did adopt the charter, the federal government would cease to be able to disallow that province's statutes. At that time, there was an understanding that there was an override to the override by reason of the section 90 veto power.

In my concluding remarks I want to say that this is a sensitive issue. I think it is very difficult for anyone to say that there is a right answer or a wrong answer. I think there is a right thing to do. The right thing to do is to put these issues on the table and debate them.

If we could have a small debate today for an hour, I think it would be to everyone's benefit. I certainly appreciate the fact that, unlike the third party, the Leader of the Opposition cared enough to come in and debate this particular issue. I am saying to this House, if it votes in favour of my resolution, that I am asking members to put forward their ideas and my ideas, to put them on the table and discuss them.

My idea is one notion that could be considered. It is certainly not exclusive, and at this point in time I would not want it to be exclusive. Therefore, I am asking this House, if it were to favour my resolution, to refer these very important issues to the constitutional standing committee when it is formed and to the public, the people of Ontario.

**Mr. Speaker:** That completes the allotted time for debate on ballot item 57 and ballot item 58.

**1200**

#### COMMUNITY HEALTH SERVICES

**Mr. Speaker:** Mr. Mahoney has moved resolution 58.

Motion agreed to.

**1205**

#### CONSTITUTIONAL REFORM

#### RÉFORME CONSTITUTIONNELLE

The House divided on Mr. Chiarelli's resolution 57, which was agreed to on the following vote:

#### Ayes

Adams, Beer, Chiarelli, Cleary, Collins, Cooke, D. R., Daigeler, Elliot, Fawcett, Fleet, Hart, Henderson, Keyes, Kozyra, LeBourdais, Leone, Lipsett, Lupusella, Mahoney, Miclash, Nicholas, Oddie Munro, Offer, Owen, Pelisero, Roberts, Ruprecht, Sola, Tatham, Velshi.

#### Nays

Allen, Ballinger, Bryden, Callahan, Charlton, Cooke, D. S., Epp, Grier, Mackenzie, McGuigan, Morin-Strom, Philip, E., Polsinelli, Rae, B.

Ayes 30; nays 14.

The House recessed at 12:09 p.m.



## AFTERNOON SITTING

The House resumed at 1:30 p.m.

## MEMBERS' STATEMENTS

## PROPOSED OBSERVATORY

**Miss Martel:** The Sudbury neutrino observatory, a world-class research laboratory, has been proposed by a consortium of scientists from Canada, the United States and the United Kingdom. The project constitutes an exceptional opportunity for Canada to establish leadership on a major front of science; namely, the use of neutrinos to investigate fundamental processes occurring deep within the sun and stars.

The facility would use 1,000 tonnes of heavy water and would be sited at the best location in North America, at a great depth in the Creighton mine of Inco Ltd. in Sudbury.

The SNO project leaders have approached the Premier (Mr. Peterson) for a commitment of \$7.2 million over four years, but so far have received no reply. This represents only 13 per cent of the total cost of \$53 million. The money spent will be directly related to local industrial development and will involve the local labour force extensively.

The project should be funded out of the Premier's Council technology fund. The Premier's Council has spent \$204 million on seven centres of excellence, \$90 million through the industry research program on a series of research and development projects and \$21 million on the university research incentive fund. Almost \$7 million remains in the fund.

The neutrino project would be less than one per cent of the total, and the benefits to the north and the rest of Ontario and Canada are invaluable. The SNO would keep our best scientists here in Canada, promote R and D at universities and attract international scientists. As well, the northern region will benefit from the economic spinoffs which arise from construction of the facility and the high-technology requirements of the laboratory.

The Premier should act now to make funds available so that the Sudbury neutrino observatory can proceed.

## NORTHERN ONTARIO

**Mr. Eves:** I want to read from a statement made by the Minister of Northern Development (Mr. Fontaine) on June 9, 1988. It says, "I take great pleasure today in announcing that the

government has redefined northern Ontario to include all of the 10 territorial districts for the purposes of government policy and program administration."

On the next page he says: "Official inclusion in northern Ontario will give individuals, institutions and organizations access to specific programs oriented to northern needs. For the people of Parry Sound and Nipissing, particularly those living south of Algonquin Park and the French River, this means being treated in a consistent fashion with other northern districts by all government ministries."

That was the statement the minister made on that date. It was confirmed by the Premier (Mr. Peterson) on several occasions. It is too bad that the Ministry of Health and the Ministry of Education, the two largest ministries in government, do not seem to consider themselves part of all government ministries for Ontario, because neither one is willing to give a commitment to the people of Parry Sound and Nipissing that they indeed will be entitled to share in all programs, as said by the Minister of Northern Development, by all ministries that are specifically allocating programs to the north.

For example, we now have the Minister of Northern Development trying to say that the northern health travel grant program is not a northern program. Northern Ontario, under the Ministry of Health Act, is defined by regulation. I would suggest that they get their act together over there and treat us the same for all ministries.

## EASTERN ONTARIO

**Mr. Keyes:** Contrary to the comments attributed to eastern Ontario members of the third party and reported in this Monday's edition of the *Ottawa Citizen*, eastern Ontario is receiving attention from the senior levels of bureaucracy at Queen's Park. Those members implied that eastern Ontario is being overlooked, and I would like to address those unfounded remarks.

The honourable members' remarks may reflect eastern Ontario's status as it was perceived by many residents with respect to a former administration, but certainly are a long way off the mark in what is happening today. Our last budget announced a \$25-million fund—the eastern Ontario community economic development program—provided over five years to assist municipalities in planning and implementing

strategies for effective, long-term economic development.

We are encouraging eastern Ontario communities to group together at the county level to define goals and to build plans that are based on their strengths and needs and that truly reflect the direction the communities will take over the next five years and beyond. This development program will combine the initiative, knowledge and resources of eastern Ontario communities with funding and support from the province.

This week and next, eastern Ontario has the benefit of a series of five one-day workshops directed at businesses wishing to provide goods and services to government agencies, boards and commissions and to learn from seven ministries how they may share in the \$2 billion of purchases made by the government. Monday's buy-east seminar in Kingston was attended by 110 business people, and equal strength is expected in the centres of Pembroke, Smiths Falls, Ottawa and Cornwall.

Yes, eastern Ontario is receiving attention, and rightfully so.

#### NURSING SERVICES

**Mr. Reville:** I think the honourable members would like to hear part of a letter I received from Carol Helmstadler, president of the Ontario Nurses' Association Local 94 at the Wellesley Hospital. She says, "It is difficult to see how the minister and the nursing administrations can persist in saying that money is not a major factor in the nursing shortage when four major studies have documented that it is a key issue. I have yet to meet a nurse who works in acute or critical care who does not feel that the only way to turn the shortage around is to reopen central negotiations."

"In the hospitals, the nursing administrations are also refusing to face the realities which the four studies have outlined."

Listen to this, Mr. Speaker: "Although the RNAO study documented that the phasing out of support staff has been a major cause of the escalating critical shortage, one week after this study was released our administration," that is, the Wellesley administration, "announced the phasing out of our orderly pool." How about that?

#### HOSPITAL SERVICES

**Mr. Harris:** I would like to bring the House up to date and make it aware of what the North Bay Nugget thinks of the health care system in this province. The editorial is headed "Take a Number."

"If the Premier of this province or his Health minister required heart surgery, it would be interesting to see how long they'd have to wait."

"How many times would they have to have their surgery rescheduled? How long would it take them to come up with a solution?"

"Neither David Peterson nor Elinor Caplan requires heart surgery, for which they can count themselves fortunate."

"Four hospitals in Toronto have a waiting list of 1,000 patients facing delays of up to six months for heart surgery. There are only 14 heart surgeons to perform the operations."

"The deaths of at least two people are being blamed on the delays. One man died after his triple-bypass surgery was delayed 11 times because of the shortage of intensive care beds.... A second man died after his operation was postponed nine times."

"People are paying all their lives for medical coverage that doesn't even cover them. These two men were entitled to medical treatment after having paid for it. But the province isn't ensuring it's delivered."

It concludes by saying this: "Ms. Caplan is expert at making Ontario hospitals just scrape by. And one of the sickest things in this province is this government's attitude towards health care."

That is from the North Bay Nugget, and I suggest to the members that a number of communities and newspapers around this province would agree with it.

#### VICTORIA PLAYHOUSE

**Mr. Smith:** I would like to take this opportunity to inform the House of a tragic event which has devastated the town of Petrolia. It is with great regret that I inform the members in the House that the Victoria playhouse was destroyed by fire yesterday, January 25, 1989.

The picture from the Petrolia Advertiser Topic that I am showing depicts the fire. Members will notice that the fire was in the lower part of the building at 8 a.m., and 40 minutes later, the tower which contains the clock was engulfed in flames.

Within this building were the Petrolia town council chambers and offices, which were also destroyed. This historic building was celebrating its 100th anniversary this year and the playhouse started its centennial year with a New Year's Day levee. This tragic fire has not only razed the building but also ruined many important documents, including the town's archives.

Those members who have had the opportunity to watch a live theatrical performance will



appreciate the importance of acoustics for one's complete enjoyment of the performance. The Victoria playhouse was unique in its architectural design in that from any seat in the theatre, one could hear a whisper of the performer without the aid of a microphone.

A great loss is being felt by the mayor, Marcel Beaubien, and his council, as well as the people of Petrolia and Lambton county. I might just add that in—

**Mr. Speaker:** The member's time has expired. I am so sorry.

1340

#### WORKERS' COMPENSATION

**Mr. Reville:** Who can wonder why people in Ontario find the Workers' Compensation Board hard to take? Listen to Walter Gresley Jones. In 1958, he burned his hands while doing a radioactive cleanup. For 30 years he fought for a pension, and guess what? He got a five per cent pension last year. He is 83.

The board has awarded him a pension to cover five years. They have told him to come on back and appeal if he wants some money for the other 25. Way to go.

#### HOSPITAL SERVICES

**Mr. Harris:** I have 15 seconds to finish the editorial from the North Bay Nugget. It says: "Desperate Canadians are turning elsewhere for treatment. About 125 have turned to a clinic in Cleveland in the past year.... One of the problems is the shortage of heart surgeons. In Montreal there are nearly twice"—

**Mr. Speaker:** Thank you. It actually took longer to complete the North Bay Nugget editorial.

#### STATEMENTS BY THE MINISTRY

##### HEALTH PROFESSIONS

**Hon. Mrs. Caplan:** I am pleased today to table the report of the health professions legislation review submitted to me by Alan Schwartz, who conducted the review. The report will be widely circulated to health professions and the public for consideration and response to the recommendations.

Currently, there are 19 health professions regulated by statute, five of which are governed by the 1925 Drugless Practitioners Act. Five more have statutes more than 25 years old and the Health Disciplines Act is 15 years old.

The health professions legislative review was initiated in 1982 to review existing legislation

and make recommendations to the Minister of Health regarding which health professions should be regulated, as well as updating and reforming the Health Disciplines Act and related legislation. As well, Mr. Schwartz was asked to devise a new structure for all legislation governing the health professions and to settle outstanding issues involving several professions.

The review has been an exhaustive one, involving more than 200 groups, including approximately 75 health vocations and professions.

The report recommends an omnibus bill, the Health Professions Procedural Code. This bill would propose to set common standards for professional self-government. Under the omnibus bill, each regulated profession would have its own specific act.

It is unique to table a report in the form of draft legislation, but I am doing so because I believe the members of this Legislature, the professions and the public should have time to consider this comprehensive document before the introduction of legislation for first reading.

My paramount concern, of course, is for the protection of the public; for those who use our health care system. I want to emphasize, as we enter the next stage of consultation and review of this critical initiative, that public protection is the first and foremost consideration.

For the next stage, I will invite the groups most affected by the proposals to meet with me to discuss the report. We will move as expeditiously as possible to bring the matter before the Legislature.

I would like to commend Mr. Schwartz and his staff for their efforts in conducting this comprehensive review, and I would like to express my appreciation to the many health professionals and others who gave their time and expertise in assisting the review.

I believe Mr. Schwartz is in the gallery today with his team and I would like the House to acknowledge his presence and thank him for his contribution.

##### CHILD CARE

**Hon. Mr. Sweeney:** I would like to inform members today of two measures being taken by my ministry to address issues of the quality of child care in Ontario.

This government is committed to quality in child care. That commitment was outlined in our New Directions for Child Care, announced in 1987.

In keeping with that commitment, I am announcing today two measures. First, we want to help parents become more knowledgeable about the child care operation which they have selected for their own children through the placing of parent information posters in all child care centres in Ontario; and second, we will assess the way in which licensing requirements are currently enforced by my ministry.

Let me enlarge on each. First, I want to bring members up to date on the progress of our parent information initiative. Specifically, this has involved the production of the poster entitled *Information for Parents*. This initiative fulfils the undertaking to develop a posting system as set out in *New Directions*.

The poster, in English or in French as required, will be displayed in all the 2,500 licensed child care operations in Ontario. The poster will begin appearing in centres as of March 1 as part of the annual licensing inspection process. Each poster will highlight the results of the most recent licensing inspection by early childhood education specialists from my ministry.

It is simply not possible for staff of my ministry to be at each child care centre each day. Parents are there every day. The poster is designed to give the parents the information they need to engage in discussion, become involved and participate in ensuring that a high quality of care is provided in that centre.

The content of the poster is the result of pilot testing and consultation between parents, the operators of child care centres, my ministry's early childhood education specialist and child care advocacy groups. The poster summarizes in clear, precise language the present Ontario requirements for staff, program, discipline and health and safety, and indicates the status of that particular licence in each of these areas.

Display of the poster in each licensed centre will be made mandatory, so that parents can readily discover how a particular centre measures up to the regulations. Also, the poster will clearly indicate what action, if any, must be taken by an operator to bring the standards of the centre up to the legally required level within a set time frame.

I believe that we have here a useful tool for operators of licensed centres as well as for parents, one that will give them a common basis for dialogue on matters concerning a particular child care centre.

The government is committed to providing parents with the information they need to play a role in ensuring a high quality of child care. We

also recognize the vital role played by staff of my ministry who are responsible for inspections of these centres. As such, we are committed to ensuring that we are doing the best possible job of enforcing the regulations that currently exist.

I am therefore announcing today the beginning of a review of enforcement practices in my ministry. This review of the ways in which current laws and regulations concerning child care are being enforced will be carried out immediately. The review, to be managed by my ministry staff, will examine the *Day Nurseries Act*, the regulations under the act and how these provisions are being enforced. It will also investigate the degree of compliance with the legislation. Furthermore, the review will examine enforcement practices throughout the province to determine whether these are consistent and effective.

The work of the review is expected to take approximately six months. At the end of that time, I expect to receive an analysis of enforcement practices throughout Ontario along with recommended strategies to help my ministry's operational staff ensure compliance with the act and its regulations. Issues that can be solved only by new legislation will also be identified.

As we undertook in *New Directions*, we will be initiating a more comprehensive review of the act in order to develop a new child care act. This review will begin this spring.

The measures I have outlined in the House today recognize the role that the government must play, but also ensure that parents have the information they need to achieve quality.

## RESPONSES

### HEALTH PROFESSIONS

**Mr. Reville:** I want to respond to the statement today by the Minister of Health (Mrs. Caplan). Thousands of people in the health care professions and thousands of patients and clients of health care professionals have been holding their breath waiting for this document to finally break the surface of the murk under which it has been hidden these seven years. Although the Minister of Health is correct when she says the *Health Disciplines Act* is 15 years old, I might point out that the *Health Disciplines Act* was eight years old when this process began.

**1350**

This is a very nice book; it has a lovely peacock colour. Mostly what is in this book is a bunch of laws. Before anybody gets too excited about all these laws in the book, we must remember that these are Mr. Schwartz's laws,



not the government's laws, and we have no idea what the government's laws will be, because we have come to be suspicious of this government.

What I can tell you is that although we should thank Mr. Schwartz for this fairly long process—and perhaps Mr. Schwartz's bank manager would like to offer thanks as well—I want you to know that many of the health care professions feel they have been losers in this process. There are 53 health care professions which have been left out in the cold and those people will want to come forward at some point when we see the government's law to have some things to say about all that.

I have not read this 349-page document as yet, but a lot of people have told me what they think is going to be in it, and they have been telling me that for about three years now. They may be right and they may be wrong. Some of them actually signed off on this. Some of them said that the process broke down completely. While it was broadly consultative at its early stages, in the latter stages it became just another hugger-mugger government exercise. "Hugger-mugger" means kind of secret.

One of the things that I hope is in here is a new process for disciplinary hearings so that they will be open to the public, so that the public can see just what goes on at the colleges when they constitute themselves as disciplinary boards in respect of health care professionals against whom it is alleged some kind of misbehaviour has occurred in respect of a patient. That would be good.

Other things, however, that have been brought to the attention of all the members of the House include the concern of all those people in the province who like to go to naturopaths. The profession of naturopathy is very concerned that it is not addressed in this legislation. Many people will want to come forward and let the government know how they feel about that. We must ensure, and it is our party's commitment to ensure, that anyone who wants to make a submission to this government and this Legislature about this review should be entitled to do so. We will not stand by if the Minister of Health tries to limit the discussion to only those professions which are included in this review. That is of the utmost importance.

We look forward to hearing from the health professionals and from the public as to what they think about the review, and we will participate aggressively and vigorously in the legislative process when we see a bill.

## CHILD CARE

**Mr. B. Rae:** The Liberal program of child care now consists of putting out a pretty red poster with a whole lot of print on it and announcing a review. There are thousands of children who are still on waiting lists and still ineligible for child care in the province because of the fact that the Liberal government has refused to pay for that child care, refused to provide that child care. That is the announcement that people have been waiting for from the Minister of Community and Social Services. That is the issue that unites families in his own community of Kitchener-Waterloo. That is the issue that unites families in Hamilton, in Thunder Bay, in Toronto, in Ottawa, right across the province.

The issue is the fact that there are thousands of children in working families who do not have access to child care simply because the spaces are not available. The minister's answer to their plight is to provide some parents who have access to child care centres with a pretty poster, and to tell them that there is going to be a review. That is not why the Liberal government was elected. It was elected to provide child care as a matter of right.

## HEALTH PROFESSIONS

**Mr. Eves:** There is not much more for me to say after listening to the member for Riverdale (Mr. Reville) expound at some great length with respect to the health professions legislation review. However, I do want to say that we too, like the official opposition, have been hearing rumours for many months about the eventual disposition of the Schwartz recommendations within the ministry. Apparently they had some difficulty deciding exactly what document they were going to produce. However, we do look forward to reviewing the blueprint that we have before us.

I must compliment the minister, and I do not do this very often, for discussing her technique here with respect to tabling the report in the form of draft legislation because I do think it is the only practical and commonsense approach to the situation; we look forward to participating in the review in the months ahead.

## CHILD CARE

**Mrs. Cunningham:** I would like to speak to the statement made by the Minister of Community and Social Services (Mr. Sweeney). We are very pleased with the poster that is being

distributed throughout the day care centres across Ontario, for a couple of reasons.

**Mr. Black:** We knew you'd see the light eventually.

**Mrs. Cunningham:** Anything that one can do to get parents involved in their child's program is extremely important to the quality of the program and extremely important to prevention in the services that we provide across this province.

**Mr. Ballinger:** Dianne is a bright light.

**Mrs. Cunningham:** However, my criticism would be that it is about time. We have been waiting a long time for this.

**Mr. B. Rae:** For 42 years.

**Mrs. Cunningham:** The other part of the statement today had to do with a review of the child care act, and part of the review involves looking at the enforcement practices. I would encourage the minister to look at the enforcement practices very quickly. I think the minister does have enough information through the ongoing licensing of these centres to come up with the problems in a very quick way so that we can look at some actions that would give us new ideas about how we can create more child care spaces. Through the licensing procedure, we find out what is not right and how we can make things better and better ways of service delivery. I encourage the minister to proceed with this activity in a very quick way. There is not a lot of time needed.

I would make the same observation on the child care act. I would think there has been plenty of consultation in the past, not very old, some ongoing reviews that the minister can be looking at so that we can come up with a piece of legislation that would meet the needs of the citizens of Ontario.

Interjections.

**Mr. Speaker:** Order.

**Mrs. Cunningham:** It is most annoying to try to respond to the minister's comment in the House about an issue this serious with so many interjections. I would begin to think some days that the members are not here to learn anything, even from their own ministers. I would make that statement quite seriously.

This is an important piece of legislation that has to be looked at. We encourage the government in this activity, and we encourage the government at the same time to provide more spaces across this province at a quicker rate than what it has indicated. We encourage the minister, as we did in the estimates, to come forth with the new child care act and we really do applaud him

for involving parents as much as possible in not only the process of bringing this poster to date, but in processes for improvements in the system.

## ORAL QUESTIONS

### HOSPITAL SERVICES

**Mr. B. Rae:** My question is for the Minister of Health. I am sure the minister will have heard, or if she did not hear it herself it has been reported to her, the story that was carried last night on the CBC program *As It Happens* relating to an incident which is said to have taken place on January 17 in Toronto.

According to this news report, a man was taken by ambulance through Toronto. He was, in a sense, turned down at two hospitals and he died on the way to the third hospital, the Toronto General Hospital. I wonder if the minister can tell us precisely what she knows about the death of this individual on January 17 and her explanation as to why he died in these circumstances.

**Hon. Mrs. Caplan:** In fact, I did not hear the program and am not familiar with the details of the specific case. I can tell the member that the process in Metropolitan Toronto and the use of the registry is to improve patient care by getting patients in need to the nearest available resource. In Toronto, there is a formal trauma system where trauma patients are taken to Sunnybrook Medical Centre, St. Michael's Hospital, Toronto General Hospital and/or the Hospital for Sick Children.

1400

**Mr. B. Rae:** If the minister is telling me that she has not done any kind of investigation or that this incident has not been reported to her, it is a sad commentary on what is going on within her own ministry. I just cannot understand how she would not be in a position today to answer questions on this subject.

Just so the minister will know, it is my understanding, again from the program, that this individual, who has not been named—and we have not been able to find his name, because that information has not been released to us—was taken very ill in the west end of Toronto. While driving by St. Joseph's Health Centre, they were told that St. Joseph's was CCB, which means critical care bypass, so they did not stop at St. Joseph's Health Centre. They went past Toronto Western Hospital and were told that Toronto Western Hospital was also not prepared to take this patient. This patient was taken to Toronto General Hospital, where he died.



**Mr. Speaker:** The question?

**Mr. B. Rae:** I would like to ask the minister why she does not know what is going on. Can she tell us if this is the best the emergency system can provide? Does she not recognize that there is a serious problem which must be addressed?

**Hon. Mrs. Caplan:** I will look into the details of the case which the Leader of the Opposition raises.

I can tell him I have had conversations very recently, as recently as last evening, with the chairman of the Hospital Council of Metropolitan Toronto as well as with emergency medicine specialists, in particular Dr. Rowat, the chairman of the academy of emergency medicine at the University of Toronto, and also with emergency specialist Dr. Gerotti, who works in downtown Toronto as well.

The goal of the new system that has been implemented is to make sure that resources are identified and patients are taken to available resources as quickly as possible. I can tell the member that John Dean, the Metro commissioner of ambulance services, agrees with me and says that the goal of the program is to get the patient to a hospital that is open and ready, and that a few extra minutes needed to transport to a facility that is operational will ultimately be of benefit to the patient.

I am always concerned when I hear of any delay, and I will look into this incident.

**Mr. B. Rae:** Everybody in this House would agree on what the goal of an emergency system should be. The goal of an emergency system should be to get an acutely or critically ill patient to the nearest possible hospital.

What appears to have happened in this case is that in two cases the nearest hospital was closed. It was closed because the emergency department was temporarily down. The emergency department was temporarily down because there are not enough nurses in the system. There are not enough nurses in the system because the Minister of Health is not responding to that problem.

I would like to ask the minister: Does she not realize that as a result of the shortage of nurses in this system, beds are closed throughout the system, emergency departments are backed up throughout the system and in fact many patients are not getting the kind of care they need? Can she confirm that, as we speak right now, emergency departments not only in this city but indeed across the province are closed on a temporary basis, either on a CCB basis or on what is called an RDC or redirect critical basis, for the simple reason that there are not enough

nurses and staff to provide the care needed in that—

**Mr. Speaker:** Thank you.

**Hon. Mrs. Caplan:** The medical experts I have spoken to have advised me that many changes are needed within our health care system to respond to the changing times, changing technologies and changing ways of providing service.

I can tell the Leader of the Opposition that the bottom line is that emergencies are being looked after, patients are not refused emergency treatment and all life-threatening cases are given priority.

Dr. Rowat did tell me that those hospitals which continue to allow patients to back up their emergency departments for days at a time while continuing to admit elective patients need to be contacted. "Appropriate administrative policies need to be implemented in those institutions to ensure more effective and efficient use of their hospital resources." That is his quote. We are doing that and we are working co-operatively to implement those changes.

**Mr. Speaker:** New question?

**Mr. B. Rae:** I want to come back to the minister on this, because I am just not satisfied with her answer.

Surely she would agree with me that if we know that at any given time in this city, for example, there are a number of hospitals whose emergency departments are closed; in fact, patients are not now being taken to the nearest possible place for care. Would she not agree with me on that?

**Hon. Mrs. Caplan:** What I would say to the Leader of the Opposition is that it is important that we recognize that the system which is being implemented in Metropolitan Toronto will identify those hospitals that have resources available, and getting the people to those resources as quickly as possible is the objective of using this new technology in directing people. Particularly in Metropolitan Toronto, where we have so many hospitals and so many resources, it is important to know who is stressed and who is underutilized.

**Mr. B. Rae:** That was not my question. What I am asking the minister is this. Her answer to my first set of questions was that it was the goal of the system to provide the quickest possible care at the nearest possible place. The question that I asked the minister was this: Would she not agree with me that because of the closures that are now in existence in Toronto, patients are not being taken to the nearest possible hospital? They are

being taken to the nearest hospital that is available at that time, and that means that patients, in some cases, are having to drive halfway across the city, taking 10, 15 or 20 precious minutes of their lives to get to an emergency ward when, in fact, the wards closest to where they are sick and have fallen ill are closed because of the shortages in the system today.

**Hon. Mrs. Caplan:** I would say, with respect, to the Leader of the Opposition that we are all concerned about people getting the care they need as quickly as possible. In fact, what I would say to him is that people are taken to the most appropriate facility where they can get the quickest care.

**Mr. B. Rae:** With all the beds that are now closed in the system, hundreds of beds closed in the system, over 1,000 nurses short in Toronto alone, would the minister not agree with me that what her vaunted policy really consists of is that patients will be taken to whatever emergency ward happens to be open at the time? Is that not really what it comes right down to?

**Hon. Mrs. Caplan:** Within our system, patients in need of emergency care are given priority. The emergency care advisory committee has given us recommendations so that we can have standards and recommendations for standardization in emergency units across this province. I have asked the Hospital Council of Metropolitan Toronto to begin implementing those guidelines. I believe that the system which is in place will respond to the fact that we want people to get the care as quickly as possible and as close to home as possible.

**Mr. Brandt:** My question, as well, is for the Minister of Health. A few days ago, I did in fact raise the case of Mrs. Gaccioli of Sarnia, who died the day that she was released from Victoria Hospital in London. I would like to advise the minister that the Gaccioli family is in the members' gallery today.

They are here, in part, because we did receive some information that the minister may have further information with respect to what transpired in this particular case. If my information is correct and if the minister does have that information, would she in fact share that with the members of the assembly at this time?

**Hon. Mrs. Caplan:** First, let me offer my condolences to the Gaccioli family who are today. I think we can all sympathize with the deep loss and grief that the family is experiencing.

I have in fact received the following information from London Victoria Hospital regarding Maria Gaccioli. Mrs. Gaccioli had undergone bypass surgery previously in September 1984. On December 29, she presented at St. Joseph's Hospital in Sarnia with an acute myocardial infarction and was transferred to Victoria Hospital in London on December 30 for further medical assessment. Tests indicated that she should undergo a second bypass operation.

As members will know, cardiac patients are classified as emergency, urgent or elective, by the specialists. Emergency patients are treated immediately. Urgent and elective patients are scheduled by physicians, taking into account their condition and the condition of other patients.

Mrs. Gaccioli was recommended as an urgent case. On January 9, after being assessed as stable, she was transferred out of the coronary care unit to ward care. Based on other urgent patient needs, she was expected to undergo surgery in one to two weeks. My understanding is that the doctors involved felt the patient's condition was stable. Mrs. Gaccioli was discharged on January 13 with instructions to report any change in her condition to her doctor.

Again, my sincere condolences to the family and friends of Mrs. Gaccioli.

1410

**Mr. Brandt:** The night before Mrs. Gaccioli was released from the hospital she was not only given medication, but she was also given oxygen. She had suffered severe pains during the period of some two weeks she had been in the hospital. Most of the information the minister has released to the House today is information I gave the minister during the course of question period over the past of two or three days when I brought this particular case to the minister's attention.

As a result of some of the questions I would like to raise and that still remain unanswered in my mind—this is not the question I want to ask—will the minister now tell us why her staff never, at any time, contacted the Gaccioli family to get their side of this very, very serious matter.

I ask the minister, is she prepared to conduct a full and comprehensive inquest into what happened in this case, so we can satisfy the family that Mrs. Gaccioli was given every consideration in terms of the treatment she received at that hospital; or that if there is fault, that fault will be assessed to the right person or persons involved?

**Hon. Mrs. Caplan:** As the leader of the third party would agree, I believe it would be inappropriate for me to make any medical



judgements. In fact, I understand that the physician is out of the country and that the hospital has contacted the family to arrange for a meeting to answer any additional questions they have.

**Mr. Brandt:** I do not believe that is satisfactory. She stated earlier in the House, in response to a question from the Leader of the Opposition (Mr. B. Rae), that life-threatening situations are given priority.

If life-threatening situations are given priority and if it is unacceptable to the members of this Legislature when someone dies being transported to a hospital, how much more critical it is when someone who is in the hospital suffering from heart problems, receives oxygen the night before, has a history of heart problems and went under a triple bypass some four years ago? If that is not a critical, urgent case, how bad is the health system in this province?

Why is it not possible for us to get to the bottom of what happened so that we can be given at least some assurance that this kind of case will not occur again in Ontario?

**Hon. Mrs. Caplan:** I again say to the leader of the third party that I believe it would be inappropriate for me to make any medical judgement whatever.

**Mr. Brandt:** I am asking for an inquest; I am not asking you to make a medical judgement.

**Hon. Mrs. Caplan:** What I would say to the member is that following the meeting with the physicians and the hospital, if the family have any further questions they would like me to look into, if they contact my office I would be pleased to investigate.

**Mrs. Marland:** My question is to the Minister of the Environment (Mr. Bradley). I see he has not arrived yet, so I would request to stand down the question.

**Mr. Speaker:** Is there agreement to stand down the question?

Agreed to.

#### AUTOMOBILE INSURANCE

**Mr. Kormos:** I have a question of the Premier. The Ontario Automobile Insurance Board has announced that its decision now will not be available until mid-February. It is an interesting delay. The government broke its promise to create an insurance advocate. The government refused to fund interveners in the board's hearing. The government failed to provide direction pursuant to section 27 of the act. The board spent no time investigating what

were just and reasonable rates for the driving public.

The question is, in view of the fact the insurance industry has monopolized that hearing, has not the board become nothing more than a mouthpiece for that private auto insurance industry?

**Hon. Mr. Peterson:** The answer is no; and I see it has not taken my honourable friend very long in this House to believe in conspiracy theories.

**Mr. Kormos:** Interestingly, first, the government denies its promise to reduce auto insurance rates. It has created the board and failed to do what I have listed. I note with interest an article in the Canadian Bar Review that states among other things that "agencies"—like the board, I presume—"tend to adopt the only viewpoint presented to them, that"—

**Hon. Mr. Scott:** That is a very different case. Don't give us that nonsense; that is a very different case. Whoever the author is will fix you up. You don't know what you're talking about. Go back to law school.

**Mr. Speaker:** Order. That was not a supplementary to the Attorney General.

**Mr. Kormos:** It says, "...that governmental agencies rarely respond to interests that are not represented and that the mere setting up by governments of regulatory agencies is insufficient to protect the public interest."

The article called out for effective public intervention and funding for public intervention. It was written by the present Attorney General (Mr. Scott) and published in 1982. In view of what the Attorney General says about this type of board, without public interveners being funded, being monopolized by a single industry that they are designed to regulate—

**Mr. Speaker:** Does the member have a question?

**Mr. Kormos:** Yes, Mr. Speaker.

What is the government going to do now to protect auto insurance consumers in the province?

**Hon. Mr. Peterson:** The independent board will make its own judgement and the Attorney General, in the kind way in which he usually operates, has agreed to take the member opposite aside and explain the article to him.

#### HOSPITAL SERVICES

**Mr. Harris:** I have a question for the Minister of Health. Sam Rota from North Bay is currently in St. Michael's Hospital in Toronto awaiting a

cancer operation. He was admitted on January 13, close to two weeks ago now. Three times he has been diagnosed as having operable cancer of the stomach. Three times he has been given the required needles and taken to the operating room, and three times he has been wheeled back from the operating room because his doctor was informed there was no intensive care unit bed available for post-operation.

This is not the first-class health care system this government inherited in 1985. I ask the minister to look into this case and I ask her how many more cases like this are going on in Toronto right today.

**Hon. Mrs. Caplan:** I am always distressed when I hear about this kind of situation. I can tell the member opposite that I understand St. Mike's is opening additional intensive care and critical care beds very soon. That was part of the announcement we made last June. As he knows as well, Dr. Sibbald and Ms. Kaminski are reviewing the procedures to ensure, if possible, that those occurrences are minimized. I am hoping to have a report from them very, very soon.

**Mr. Harris:** We have heard this answer from the minister about five times on five different cases. We are informed through this Legislature and throughout the province that even when more beds are available, there will not be the nurses to be able to staff those beds.

**Mr. Rota** is not a young man but he is hoping he has a few more years to live, with what his doctor informs him is an operable cancer if it is operated on soon enough. He has not been scheduled again this week. He has been told they will try again next week, without any assurance the operation will come off.

I would ask the minister, aside from the life-threatening delays on this type of surgery, does the minister not have some sensitivity for what a man this age is going through, knowing he has cancer, knowing this operation is the only hope he has, and for the psychological effect that has on people like Sam Rota; and as we are increasingly hearing on many more patients across this province?

**Hon. Mrs. Caplan:** I am always saddened when I hear of any delay. My goal is to ensure people have access to effective, high-quality care as close to home as possible and as soon as possible.

I can tell the member that St. Michael's received funding for six noncardiac critical care beds as part of the expansion of its trauma program. They are a designated trauma centre. I

understand from them that they have critical care nurses who are graduating from the Ryerson Polytechnical Institute course and that they expect to be able to staff those beds over the next few weeks so that stories such as this are a thing of the past, I hope.

1420

## ROUGE VALLEY

**Mr. Faubert:** My question is to the Premier. Some residents of my riding of Scarborough-Ellesmere as well as residents of other areas of Scarborough have expressed to me their concerns that a decision has been made on the Rouge Valley lands. They continually advise me of rumours and hearsay. Some of them are very concerned about the future and the preservation of the Rouge Valley lands. One such rumour that was brought to my attention last weekend stated that the government had made a decision to sell off 3,000 acres in the Rouge Valley. Could the Premier please put my constituents at ease and advise me whether any such decision has been made?

**Hon. Mr. Peterson:** The answer is very clear. There is no suggestion we are going to sell off 3,000 acres in the Rouge area. I do not know where these rumours emanate from, but my honourable friend will be aware that there are many rumours floating around this place at all times. Most of them are wrong. The answer is we are not contemplating that and I hope my honourable friend will reassure his constituents of our strong determination to save the Rouge.

**Mr. Faubert:** Can the Premier then advise the House of the present status of the Rouge Valley lands and whether he expects the government's plans regarding these lands will be announced this spring?

**Hon. Mr. Peterson:** I am hoping this spring. As my honourable friend knows, there is a major planning exercise going on with that complete quadrant with respect to housing, transportation, parks and a variety of other things. All the determinations have not been made in that regard, but I want him to rest assured that central to the vision for that area is to save the Rouge, to keep it as open space for people. That is where we are. There is no exception to that and I am sure he can reassure his constituents in that regard.

## CONSTRUCTION SAFETY

**Mr. Mackenzie:** I have a question to the Minister of Labour. I would like to raise with the minister a serious problem brought to my



attention today. I have a memo dated January 16, 1989, from the director of the ministry's construction health and safety branch, CHSB, to all staff.

The memo concerns expenditure restraints. It states, "Except for emergencies and delivery of essential client services, such as pressing investigations, there will be," and goes on to list 10 areas of spending cutbacks including needed training and travel. The director states, "In an attempt to keep the CHSB expenditures within the budget appropriations, these restrictions may appear to be drastic, but I assure you they are absolutely necessary."

If the minister were as serious about health and safety as he indicated on Tuesday, why would he force spending cutbacks on the department whose job it is to ensure health and safety on construction sites? God only knows we have had enough examples of the need lately.

**Hon. Mr. Sorbara:** If the member will do me the courtesy of sending me a copy of the memo—I have not seen the memo and the list attached to it—I can assure him I will give him a full response when I have had a chance to see and review it.

**Mr. Mackenzie:** I will.

Workers need improvements now. There are even problems on the SkyDome site that the Minister of Labour likes to think of as a model. I raised this in the House on January 19. Daniel Stoyanoff, a plumber and a member of the workers' health and safety committee, says, that despite last week's protest where workers downed tools for a day, "Nothing has been brought to the point where it is acceptable."

Actions speak louder than words. The spending cutbacks of the CHSB are not a good sign. They will potentially result in more problems on Ontario construction sites. Will the minister assure us, as I am hoping he has indicated in the Legislature, that he will provide the CHSB with the budget it needs to do an effective job? He has to remember we will not have anything new in place for probably several months or a year.

**Hon. Mr. Sorbara:** Just to respond to the member from Hamilton East's comment on the SkyDome site, my understanding is that all the orders that arose as a result of the work stoppage a few days ago have now been complied with. There is one outstanding issue, and that issue relates to the extent to which workers who left early from the job would receive pay for that period. I remind him that in Bill 208 that issue is addressed thoroughly and completely. As far as issues relating to specific orders that were issued

after inspectors were on the sites are concerned, all those orders have now been complied with.

## TRUANCY

**Mrs. Cunningham:** My question is for the Minister of Education. More than 20,000 students, mainly 13 to 16 years of age, were repeatedly absent without leave from Ontario schools last year. A major research project on habitual absence commissioned by the Minister of Education has been completed for 18 months, but has yet to be released by the ministry.

The government states it is committed to encouraging school attendance and reducing dropout rates. Would the minister tell the House when he plans to release this long overdue report on absenteeism?

**Hon. Mr. Ward:** I can assure the member for London North that we will release any studies we have available as expeditiously as we can. I also point out to the member, as I did on a previous occasion, that we are looking very carefully at this whole issue. We have been in consultation now for some time with other ministries, the Ministry of the Solicitor General and the Ministry of the Attorney General, to look at the legislative options. I do want to reiterate my view and the view of the ministry that our prime role in dealing with truant students is one of intervention and assistance, as opposed to merely looking at legislated solutions.

**Mrs. Cunningham:** We too believe in intervention and we too believe in prevention. Unfortunately, the problem goes on in spite of everyone's efforts in school boards across this province. The minister knows the courts do not have the power to intervene and order counselling for adolescents. Twenty thousand truant students need our guidance. Unfortunately, the provincial government has not stepped in with clear policies for these students in Ontario.

We are asking the minister to step in quickly. We are not talking about quasi-judicial process or punitive measures. What we are talking about is the ability of professional educators and counsellors to assist young people who are crying out for our help. This is a very serious problem. The minister has had endless consultation; he admits it himself. When will he amend the Education Act so judges can order counselling for truant students, to be specific?

**Hon. Mr. Ward:** Once again, the member puts as her prime thrust the need for legislation, the need for court orders to require young people to maintain an appropriate attendance within their facilities. At the same time, she puts forth

the view that the answer is intervention and prevention. I believe our schools have the ability now to intervene and to serve those students in the proper context.

As I indicated to her, with some of the changes that have taken place as a result of legislative changes both federally and provincially, there is some difficulty with regard to the current legislation. We are working with other ministries on proposals to deal with that. We will address it as expeditiously as we can.

#### FINANCIAL PLANNERS

**Mr. Daigeler:** My question is to the Minister of Financial Institutions. On December 20, a former Ottawa financial planner pleaded guilty to bilking 29 people out of a total of \$309,000. In the context of this unfortunate criminal act, I read with great interest in the *Globe and Mail* of January 11 that Quebec is planning to regulate financial planners. According to the story, this would make Quebec the first Canadian province to have such legislation.

May I ask the minister, first, what measures are presently in place to protect Ontario consumers who are dealing with financial planners; and second, whether he is considering legislation similar to the Quebec proposal?

**Hon. Mr. Elston:** That is a very good question from the member for Nepean because it is a timely issue with which we must deal in the financial world. First, we have not developed a position as advanced as that of Quebec, although the issues surrounding its paper and its proposals are of interest to us and we are busy now, even as I speak, looking at the options Quebec is reviewing.

1430

In Ontario at the moment our regulation is not so much with respect to the salespersons and their activities but more particularly regulation of the product and the manner in which the product is distributed to the public.

We can see some problems in the field, but there does not seem to be a widespread difficulty. We have not had a large number of difficulties; not to say that the problem does not exist or that it is not an important one, I believe it is.

In a situation like the one he noted in Ottawa, the member has clearly outlined a situation where, if somebody puts his mind to a fraudulent activity, it becomes a very difficult endeavour indeed to shut it all off. But may I say that because of the activity in Quebec and certain examples like the one he has just cited, we are

quite interested in reviewing the options that are available for legislative activity.

**Mr. Daigeler:** I am pleased to see that the minister is very much considering this question, which is of obvious interest even to many seniors as well, because quite often they have invested moneys with financial planners. I certainly agree with him that the majority of the financial planners are very honest, straightforward and reliable people, but unfortunately, there are always exceptions.

Can the minister advise us as to what time frame we are looking at for when he might introduce regulations?

**Hon. Mr. Elston:** At this point, I am unable to indicate that we are in a position to put a time frame around our consideration of the matter. I think it will be interesting for us in Ontario to follow the developments in Quebec, and in fact we will be doing that. In my meetings with the ministers of other provinces, as they come up, I expect to be able to undertake some discussions with respect to the size of the problem in their various jurisdictions, particularly that of Mr. Fortier, where he has already moved to do the regulation.

Again, I want to underscore the need at all times for consumers in the marketplace in Ontario to be using good, common sense and judgement with respect to purchasing products of all kinds, but certainly in particular with the nature of financial products they must ensure that they get the fullest sort of explanation, not only from those people who are marketing but from personal advisers as well, such as lawyers and others who can provide some specific expertise if they have any question whatsoever about the merits of the investment that is being proposed.

#### ASSISTANCE TO TOBACCO FARMERS

**Mr. Wildman:** I have a question of the Minister of Agriculture and Food. In view of the fact that the provincial government has introduced legislation to prohibit smoking in the workplace, and in view of the fact that there are about 640 more tobacco farmers in Ontario who need adjustment assistance to help them get out tobacco production, can the minister explain why he and the provincial Liberal government have so far refused to participate in the additional \$60-million, federal-provincial program proposed by the federal Tory government to assist these farmers during last fall's federal election campaign?

**Hon. Mr. Riddell:** As the honourable member knows, the adjustment program that we have



in place now has gone a long way to assist tobacco growers in adjusting to the problem that they are facing, having to take more acreage of tobacco out of production.

During the election campaign, the federal government announced that it had \$30 million that it was prepared to add to the \$30 million we already have in the program. It would appear to us that this \$30 million would be ample to help any farmers who want to exit the program. The fact of the matter is, as we are told by the leaf buyers, that we may be arriving at the situation where we are not going to have enough acreage to produce to demand. We have to be very careful that we are not creating incentives to have more tobacco come out of production if indeed the demand is such that they need more tobacco. That is the thing we are a little concerned about.

**Mr. Wildman:** Would the minister agree that while there may indeed be the demand, the price that the producers are getting is substantially less than it was in the past, so there still are more than 600 producers who want to get out of the business? If that is the case, can he assure us that if his government continues to refuse to participate in this proposed federal-provincial program, the federal government will proceed with its \$30-million adjustment program?

**Hon. Mr. Riddell:** I think the federal government is obligated to proceed with the \$30 million because Mr. Mazankowski, the present Minister of Agriculture, was in tobacco country during the election campaign and I believe he said very emphatically that there would be another \$30 million available from the federal government.

When he comes out with that kind of strong statement, I just cannot believe he would retract now.

**Mr. Speaker:** New question; the member for Burlington South.

**Mr. Jackson:** I don't know why; it happens in Ontario politics all the time.

#### RAPE CRISIS CENTRES

**Mr. Jackson:** My question is to the Solicitor General. She will know that on December 31, Joan Steer, executive director of the Windsor Sexual Assault Crisis Centre, resigned in frustration over this government's approach to funding rape crisis centres. She is not alone. Others have resigned and we are told that more will be resigning, and some centres will close their doors.

At issue is the government's policy which makes it extremely difficult, if not impossible,

for centres to apply government funds towards staffing costs.

Given that the Ontario Coalition of Rape Crisis Centres has called upon her to sit down and meet with it, given that it has written and asked for a meeting, will she undertake to promise to meet with the coalition before the end of February to discuss this issue?

**Hon. Mrs. Smith:** The member has his facts partly correct and partly incorrect. Indeed, I am well aware that there is a great deal of concern among the sexual assault centres about the great growth in their case loads and the difficulties in funding the work. However, as I reported in this House last year, once they approached me, right away I changed the policy that the money they received could not be used towards staffing. They are completely free to use the money towards staffing as they see fit.

**Mr. Jackson:** The minister is only partly accurate in her response. The fact is the policy has been changed, but the net effect is that, under the stringent criteria, no centre has been able to apply the provincial moneys towards staffing. To her credit, the minister has helped three centres that were about to close. She and her government have undertaken a very expensive campaign of public relations which has almost doubled the number of calls to these centres.

The moneys that are transferred from this government expire on February 28. The minister has not given this group a clear statement that she will in fact meet with it, and it has asked by letter to meet with the minister.

Given that the Ministry of Correctional Services fully funds the staff costs of halfway houses and given that the Ministry of Community and Social Services funds four full-time employees at the John Howard Society, would the Solicitor General, when she meets with the coalition, explain why her government will fund full-time permanent staff members who serve criminals but will force rape victims to rely on volunteers for support services?

**Hon. Mrs. Smith:** I am sure the member is not suggesting that funding from these other programs should be withdrawn. I am working with these centres and have met already with the Windsor Sexual Assault Crisis Centre. I was there and had a very good meeting with them, as I have with several other family violence centres across the province.

We have spoken to them about the funding and told them that they indeed can expect no extra funding in this year; it would have to be a matter of next year's estimates. I have already set a time

to meet with them again to discuss this problem and I am presently discussing with other ministries involved the overall picture of how to meet this demand.

The member knows that these programs, which started in the first instance primarily for people who suffered some sexual assault in the immediate past, have grown extensively to cover programs for the survivors of incest, often childhood incest. These are very long counselling programs, drawn out sometimes over years, and they have made a dramatic difference in the amount of work put upon these centres. We are examining where this should properly be funded and how it can be funded, but the member must recognize that this is a new and dramatically growing program.

1440

### SCHOOL ACCOMMODATION

**Ms. Collins:** My question is for the Minister of Education. Last July, the Wentworth County Board of Education achieved a final solution of its obligations under Bill 30. Recently, several of my constituents in the Stoney Creek area have inquired as to what specific commitments were made for the provision of accommodation in our area.

Could the minister please clarify what his obligations are to the residents of Stoney Creek under the terms of the settlement?

**Hon. Mr. Ward:** Under the agreement which was reached between my ministry and the two boards in the Hamilton-Wentworth region, a commitment was given to the Wentworth board that the ministry would assist the board in designating a future site for the long-term needs of the Wentworth board in the eastern part of the region, on the mountain side.

During the course of the past several months, officials from my ministry have met with officials from the city of Stoney Creek as well as the Wentworth board of education and the planning department of the region. We became aware of the fact that there were already two designated sites on the upper portion of Stoney Creek.

At the same time, we contacted officials at the Ministry of Government Services. They canvassed their files to make a determination as to what land they may have available under government control, and meetings with the board and its officials have been ongoing to provide assistance in finding the most suitable location for the Wentworth board's future needs in the city of Stoney Creek.

**Ms. Collins:** The minister will understand that there is a great deal of anxiety that remains among the people of Stoney Creek. Recently the board, as the minister mentioned, made requests for assistance in securing an acceptable site on the mountain. Can the minister provide an update as to what progress has been made?

**Hon. Mr. Ward:** As I indicated in my response to the original question, when we were reviewing the situation in upper Stoney Creek, we became aware that the board already had a designated site. However, I am advised by officials at the Ministry of Government Services that there is indeed another 15-acre parcel within the Heritage Green area.

Officials from the Ministry of Government Services and my ministry have advised the Wentworth board of this fact. We have asked them to convey to us whether they deem this to be a more appropriate or the most appropriate site. If that is the case, we will pursue the matter further with MGS in terms of assisting that board to secure a site for its future secondary needs on the Stoney Creek mountain.

### PROPOSED OBSERVATORY

**Mr. Laughren:** I have a question for the Premier on a proposal to build a neutrino observatory in the Sudbury area. It is a \$53-million project; a neutrino observatory, a high-science, high-technology proposal. I thought the Premier would know about it.

If it is built, it would put Sudbury and that observatory in the forefront of pure scientific research. The Premier was asked for \$7.2 million through the Premier's Council to help get this project under way. The proposal was made to the Premier in November 1988. There is worldwide support for this. Can I ask the Premier why he has not responded to that request?

**Hon. Mr. Peterson:** I do not make the judgements on that. Very frankly, I am not even aware of the proposal. I do not personally screen them because they go through an independent peer review and the member would not want me to intervene in any way in that regard, expressing my favourites.

There is no question everybody knows that Sudbury is one of my very favourite places in this entire province and we have, as the member knows, done an enormous number of things there in the last little while—the university, the hospitals, the science centre and a variety of other areas. We are determined to keep Sudbury in the forefront of world leadership in a wide variety of areas, but I cannot respond specifically



to my honourable friend's question because I do not know the answer, frankly.

**Mr. Laughren:** I appreciate the rather disarming frankness of the Premier's response, but I am surprised at it, given his stated interest in the world of high technology and things world class. This would actually be a world-class observatory if it could get started. There really is interest from the scientific community all over the world and the proposal has been put to the Premier, or at least to his officials. I am surprised he does not know anything about it.

The proposal would cost this province only \$7.2 million out of a total of over \$50 million, and that is over a four-year period. All they are asking the Premier for is about \$2 million a year for the next four years.

I am quite serious when I say that this would put Sudbury in the forefront of pure scientific research. It would attract leading scientists from around the world. It would complement existing research that is already going on in Ontario universities.

Would the Premier make himself aware of this proposal with a view to acceding to the request for funding that has been put before him and before the Premier's Council?

**Hon. Mr. Peterson:** Let me just say to my honourable friend that I do appreciate his advice in this matter and I will pass his concern on to the panel that does make these decisions, but I just want to tell my honourable friend something—

**Mr. Laughren:** I don't think you know about it.

**Hon. Mr. Peterson:** I was not aware of it. As the member knows, there are many, many applications and there are not, shall I say political decisions in that regard. They are viewed with respect to their scientific merit, with respect to the consortia that are involved, with respect to other funding and with respect to potential long-term job prospects and the impact on the communities and whether we have a capacity to do something unique in the world. All of those factors are taken into account, and many others, by a group of people who are far more qualified to make these judgements than I am.

It is not a regional development program. It is not a set of decisions made by politicians, even though the cabinet is ultimately responsible. What we are trying to do is use limited funds in an area that I am delighted my honourable friend supports, because he recognizes personally the importance of high intellectual value added in this province, particularly because he personally has contributed so much in that particular area.

We realize we have to be in the forefront of scientific research and technology. It is important to the standard of living we are going to have in the future. I am very proud of some of the things that have happened through the council over the last little while. My honourable friend knows we cannot guarantee everyone will be successful, but we are banking on some very bright people in this province to keep us in the forefront.

Given the fact that it has the full support of my friend opposite, a man whose opinion I value extremely highly, I am going to send a copy of this Hansard—

**Mr. Speaker:** Thank you.

#### POLLUTION CONTROL

**Mrs. Marland:** I know the Premier is aware of the Ontario Hydro report, Options Available to Meet Acid Gas Limits and Selection of Preferred Options. I have read that report with great concern and it appears that the Lakeview generating station in my riding of Mississauga South will not be fitted with scrubbers. There are no plans prior to 1994 to help reduce toxic emissions from those stacks. The use of low-sulphur coal will not be considered until what the report refers to as beyond 1994.

Would the Premier authorize independent monitoring of emissions—and I stress "independent"—from the stacks at Lakeview during cold starts to maximum and varied lows to ensure my community and all those concerned about the environment that the increased use of the Lakeview station is not going to create health or environmental hazards.

**Hon. Mr. Peterson:** I apologize to my honourable friend. I am not in a position to give her any assurances, although I will discuss her concerns and her constructive suggestions with the Minister of the Environment (Mr. Bradley). There may or may not be merit in them; I am not in a position to comment.

That being said, I hope that my honourable friend supports the direction in which we are going. I believe she did yesterday when the minister reported in the House about the plans with respect to Ontario Hydro.

#### 1450

There may be a problem with Lakeview, and if there is we will try to work with it, but I think my honourable friend has to understand that we cannot be parochial about this matter. There is a lot of acid rain falling in this province that comes across other borders. Conversely, some of ours falls in other jurisdictions as well.

This is not restricted to specific constituencies. It does not just fall out in certain constituencies because they happen to be Conservative. This is not a plot just to gas out certain people, let me tell my honourable friend that. Although I could tell her it is a tempting idea, I think, on certain occasions, that is not the object of it.

Obviously, we have looked at every power station on its own merits. This is a major step forward. When I sat in this House in the opposition for many years and we talked about scrubbers—and my honourable friend the now interim leader of the Conservative Party will remember those discussions—we talked about moving ahead on Ontario Hydro and never anything was done. Now we are moving. We are showing leadership that is second to none.

I know the position of my honourable friend's party on this over the years. There is no party that was more backward on these matters. The member should stand up and be proud of the leadership the Minister of the Environment has taken.

**Mr. Speaker:** Just before I recognize the member for a supplementary, I understand this was a leadoff question. You will get two supplementaries.

**Mrs. Marland:** I wonder how the Premier measures leadership of his government in acknowledging that this report addresses only two scrubbers by 1994. We are not moving ahead quickly to protect the environment in terms of acid gas emissions in this province through Hydro's installations. I feel that on behalf of all the installations of coal-fired thermal units in this province, two scrubbers alone are not sufficient in five years.

Hydro has indicated that in all likelihood Lakeview will be generating more electricity, and thus it will generate more toxic emissions. If Hydro has nothing to hide by its present operating system at Lakeview, then why will the Premier not commit to an independent test to assure the public that Lakeview is safe today and not just some time in the misty future beyond 1994?

**Hon. Mr. Peterson:** I am not sure my honourable friend understands the nature of acid rain and acid gas emissions because they are so widely dispersed. We know there is a problem with Inco. It was not just in Sudbury. It was all over southwestern Ontario. It was all over North America, for that matter. It is not limited to one particular area. We have very tight restrictions on Ontario Hydro and the standards that it has to meet and it is going to meet those. They have

come forward with a plan and are bringing in scrubbers to do that. My friend should stand up and celebrate that.

Obviously individual emitters will be analysed, but I do not think my friend need worry her constituents. She can tell her constituents that their situation is going to be very much better under our administration than it was under her party's administration.

**Mrs. Marland:** My constituents have four stacks without any scrubbers and no plans for any scrubbers until after 1994. We have eight coal-fired thermal units in this province. We are talking about two scrubbers. That is two chimneys. I want to tell the Premier that everybody understands how widely dispersed acid gas emissions are in this province. I am talking about a facility that is densely surrounded by residential population and right on the shores of Lake Ontario.

**Mr. Speaker:** And your supplementary?

**Mrs. Marland:** My supplementary is a request that the Premier agrees to have an independent evaluation of today's operation. That is not such a big deal. Will he at least agree to have that assessment to establish, in his own words, that my people are safe in that community?

**Hon. Mr. Peterson:** My honourable friend misunderstands the way the system is and the way it works. We did not put Lakeview into her riding. She put it in. Her government and the members of her party put it there. We had these discussions many times prior to her coming to this House. She can tell her—

**Mrs. Marland:** This has been there 45 years.

**Hon. Mr. Peterson:** Is she blaming it all on Mitch Hepburn? Go ahead. Did Mitch Hepburn do it?

**Hon. Mr. Scott:** It was George Drew who put it there. Remember George Drew.

**Mr. Harris:** George Drew would never have done that.

**Hon. Mr. Peterson:** Go ahead. Blame Farquhar Oliver. Blame Mitch Hepburn.

Let me tell my friend that what she is seeing for the first time in recent history is a deeply committed Minister of the Environment who actually understands what is going on, and because of this man's leadership the member's constituents are far safer than they have ever been. If the member does not believe me, she should lean forward and ask the gentleman sitting just in front of her. I sure he will stand up in this House and agree with us in this regard.



**Mr. Speaker:** I am in a bit of a quandary here, yet it really is not that serious. That was a leadoff question. Therefore, I will have to recognize the member for Simcoe West.

#### COUNTY GOVERNMENT

**Mr. McCague:** There is a chance that the member for Oxford (Mr. Tatham) and I were going to talk about the same subject, but my question is to the Minister of Municipal Affairs. During the past several months, he has had a van of his colleagues travelling Ontario to find out what people think about the reform of county government. I am just wondering if that report on the reform by the member for Oxford and his colleagues is now in the minister's possession.

**Hon. Mr. Eakins:** My colleagues have been working very hard on this. They have had excellent rapport and input from the various counties across the province. That report has just been finished now, and I will be looking at it. It will be made available as soon as it can be printed and translated.

**Mr. McCague:** I have a request and a question. I was wondering if the minister could see fit to release that report in this Legislature rather than some place outside of here, so we might have a chance to compliment the member for Oxford and to make some comments, whatever they might be, to the Minister of Municipal Affairs.

**Hon. Mr. Eakins:** The member for Oxford has done a tremendous job. He has held many meetings with the people across the province, arriving at a solution which I believe will see a greater degree of credibility for municipal government in this province. I can tell the member that as soon as the report is ready and translated and printed, it will be available to him at the first opportunity.

#### DAIRY INDUSTRY

**Mr. Tatham:** My question is for the Minister of Agriculture and Food. Oliver Bertin, in the January 12, 1989, edition of the *Globe and Mail* suggests that the Pillsbury Co. of Minneapolis wants to export in quantity Haagen-Dazs ice cream from the United States, rather than manufacture under licence in Canada, which is the current arrangement.

The General Agreement on Tariffs and Trade prohibits imports of all dairy products. The company claims that ice cream is not covered by GATT since it is a processed food rather than a dairy product. Minister, what kind of dessert can our dairy farmers expect?

**Hon. Mr. Riddell:** This matter has certainly forced Ottawa to take a stand to defend the fundamentals of marketing boards and the supply-management system, namely, to control imports of dairy products, chickens, turkeys and eggs.

I strongly support the position taken by the government of Canada that the import controls on ice cream and yoghurt are fully consistent with GATT. I was extremely pleased to hear that the federal Minister for International Trade, John Crosbie, has said that the government of Canada is firmly committed to supply management and plans to vigorously defend these import controls before the GATT dispute panel.

#### PETITIONS

##### TEACHERS' SUPERANNUATION

**Mr. Eves:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"The proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

It is dated January 26, 1989, and signed by some 48 teachers of the East Parry Sound Board of Education. I have affixed my signature thereto.

1500

**Mr. Speaker:** It is very difficult to hear the petitions or the content of the petitions. I am sure all members who are having private conversations could help me.

##### AUTOMOBILE INSURANCE

**Mr. Brandt:** I have a petition for the Lieutenant Governor in Council signed by 1,390 persons from Sarnia and area, which reads in part as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned Ontario residents and taxpayers, wish to add our voices to the many other Ontarians who are concerned about the potential 35 to 40 per cent increases in auto insurance premiums. A 40 per cent increase is not anything like the 'cap on insurance premi-

ums' that you promised in the last election campaign!"

I further have 461 petitions on the question of increases in auto insurance rates that are similar to the petition I just read. To save the time of the House, I will just give you the number: 461 from the Windsor area. This is addressed as well to the Lieutenant Governor in Council.

I also have 294 petitions, again from the Windsor area, directed to the Lieutenant Governor in Council, objecting to the proposed increase in automobile insurance rates.

**Mr. Speaker:** Are they not addressed to the Lieutenant Governor of Ontario?

**Mr. Brandt:** Yes.

**Mr. Speaker:** You said the Lieutenant Governor in Council.

**Mr. Brandt:** Lieutenant Governor of Ontario, sorry.

I further have 395, again petitioned with respect to the same subject and in the same manner. These also are from the Windsor area.

I also have a petition for the Lieutenant Governor of Ontario signed by approximately 1,050 persons from Scarborough and area which reads in part as follows:

"We, the undersigned, reject the proposed 40 per cent rate increase on auto insurance. We demand that this whole problem be re-examined by a truly independent investigation. The report should evaluate alternative methods of providing auto insurance and include procedures for the establishment of a level of rates which are reasonable to auto vehicle drivers."

I present this one as well. Thank you for your indulgence, Mr. Speaker. Those were thousands of names that I presented in petition today.

#### WORKERS' COMPENSATION

**Mr. Laughren:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the government of Ontario to reform the workers' compensation system in Ontario so that people injured at work get decent pensions, rehabilitation and jobs when they are able."

These are signed by too many people to count.

#### HOME CARE

**Mr. Jackson:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the Red Cross Society has incurred a deficit because the government of Ontario has failed to fulfil its promise to adequately fund home care services and therefore the Red Cross may be forced to withdraw their home care services, we petition the Treasurer of Ontario to adequately fund the Red Cross services so that 170,000 citizens of Ontario are not forced to seek more expensive care in an institutional setting."

This group of petitions has my signature and support and brings the total to over 2,700 petitions on this subject from the city of Burlington.

**Mr. Speaker:** I am glad you are keeping a running total.

#### REPORT BY COMMITTEE

##### SELECT COMMITTEE ON ENERGY

Mr. Carrothers from the select committee on energy presented the report on Ontario Hydro's Draft Demand/Supply Planning Strategy and moved the adoption of its recommendations.

**Mr. Carrothers:** The committee held six weeks of public hearings last summer and fall into the demand/supply planning strategy which Ontario Hydro released in December 1987. It heard from some 16 expert witnesses, 27 interest groups and, in addition, received 120 written submissions. It commissioned background analyses from 11 consultants and as well heard briefings from the Ministry of Energy.

During its extensive deliberations over the past 11 months, the committee has come to recognize that the supply of electricity is vital to the functioning of our modern society here in Ontario. The committee believes that the recommendations contained in this report will serve as a valuable guide for establishing future demand/supply planning priorities and improving the power supply planning process in Ontario.

On motion by Mr. Carrothers, the debate was adjourned.

#### INTRODUCTION OF BILL

##### GOVERNMENT CHEQUE CASHING ACT

Mr. Morin moved first reading of Bill 210, An Act to prohibit the Charging of Fees for the Cashing of Government Cheques.

Motion agreed to.

**Mr. Morin:** The proposed bill prohibits any person from charging a fee for cashing a cheque issued by the government of Canada, the government of Ontario or a municipality. This



bill does not apply to the financial institutions referred to in section 3 of the act.

## ORDERS OF THE DAY

### TIME ALLOCATION

(continued)

Resuming the adjourned debate on government notice of motion 20.

**Mr. Morin-Strom:** I appreciate the opportunity to speak for a few more minutes on this particular resolution that has been put forward by the government House leader, a resolution which really threatens the democratic process here in Ontario because it changes the practices and the operation of the Legislative Assembly. We do have standing orders which specify the rules of debate and the process for the passage of bills through this Legislative Assembly.

This motion really is an affront to the democratic process in that it puts a severe limitation on the rights of members of this House to have full and adequate debate on these two very important bills, Bill 113 and Bill 114. The motion will limit the debate to two days in total in terms of the committee of the whole, at which time amendments can be considered on the bill and then only one day for each bill, potentially three hours of debate for each of these two bills before final votes are taken.

Certainly within a period of three hours it is very difficult for all the members of the Legislature to have an opportunity to speak on bills as important as these ones. We have had considerable opportunity for those who have been on the committee to speak to the bills, but that only covers some 11 members out of the 130 members of this Legislative Assembly. I believe that we should follow our normal practices and stay with the standing orders of the House in terms of our process for debate on these two bills.

We know that these bills, which attempt to open up Sunday shopping across Ontario, are strongly opposed by groups right across the province.

**1510**

As members of the assembly, we have all heard from many of the groups and individuals we represent in terms of their concerns with respect to this legislation. I would just like to bring forward several of the arguments that have been made as to why this is bad legislation, why this is not in the best interests of the people of Ontario.

One of the groups that has made very effective representations with respect to these bills is the

group called the Coalition Against Open Sunday Shopping. I have here, in a letter from them, the fundamental points that they make. They say:

"We know that many members of the Legislature share our deep-felt disappointment with the Retail Business Holidays Amendment Act and the Employment Standards Amendment Act. What we now see is, in our view, bad legislation, bad policy and—what should be of considerable concern to any politician—bad politics. It appears that the Liberal government is attempting to change the very fabric of our society for no apparent political advantage. We are sure you will agree that the problems of enforcement with the Retail Business Holidays Act are in no way corrected with this legislation. In fact, they will be exacerbated."

This group represents several hundred business organizations, church groups and public interest groups representing millions of residents of Ontario. We have a list of the membership of the coalition, and I just point out the kind of broad-based support it has in terms of a selective grouping of some of the organizations involved.

They include the Anglican Diocese of Toronto, the Baptist Convention of Toronto, the Canadian Tire Dealers' Association, the Catholic Women's League of Canada, the Canadian Jewellers Association, the Canadian Shoe Retailers' Association, the Christian Labour Association of Canada, the Coalition for Family Values, the Consumers' Association of Canada, the Institute for Christian Studies, the Kingsway Business Management Board, the Lutheran Council in Canada and the national association of brick distributors.

The list goes on and on. I am just giving the members a brief indication of the kinds of organizations that are involved: the Presbyterian Church in Canada, the Retail Merchants Association of Canada (Ontario), the Ontario Federation of Labour, the Retail, Wholesale and Department Store Union, the Stratford city centre committee, the United Church of Canada, the United Brewery Workers, the United Senior Citizens of Ontario, the Canadian Union of Public Employees, the city of Waterloo, United Co-Operatives of Ontario and so on and so on. The list is almost endless in terms of the opposition to this legislation.

One of the organizations that should be most closely listened to is the Association of Municipalities of Ontario, the ones that are being saddled with the responsibility that this government refuses to take. I read from this letter that members of the Legislature have received from

the Association of Municipalities of Ontario. It reads as follows:

"At its recent annual conference, the association had a lengthy and hotly debated session on the issue of Sunday shopping. The delegates unanimously supported the association's long-standing position that it is inappropriate to charge municipalities with the responsibility for regulating retail store openings on Sundays and holidays."

They conclude their remarks with the following, "The association remains steadfast in its opposition to local option legislation with respect to Sunday shopping."

The position of the municipalities of Ontario is quite clear. They are all against this particular bill.

I would point out that a number of organizations—and I hear the member for Kitchener (Mr. D. R. Cooke) expressing concern about this bill. I would point out I have a document here from the Waterloo region Sundays for People. Their quote is as follows:

"Sunday closing legislation is currently under fire in our community and across the province. The Peterson government has announced that it intends to transfer the regulation of Sunday and holiday store hours to the municipalities. This decision will ultimately lead to wide-open Sunday shopping in most communities.

"If, for example, Guelph were to decide to allow Sunday openings, the Cambridge and the Kitchener-Waterloo area will be pressed to open as well to avoid losing retail sales to Guelph.

"Business, labour, churches, social groups and all four of our MPPs are opposed to Sunday shopping, yet the Peterson government still plans to move ahead with their proposal. This is unacceptable to the people of Ontario."

Who, in fact, are the four local members from that area? They are my colleague the member for Cambridge (Mr. Farnan) and, as well, three other Liberal MPPs: the member for Kitchener-Wilmot (Mr. Sweeney), the member for Kitchener (Mr. D. R. Cooke) and the member for Waterloo North (Mr. Epp). I wish those members were in fact adequately and fully representing the concerns of their own constituents.

One of the groups that has expressed concern is the United Co-operatives of Ontario, which is a major farm organization providing services to the farming community. We have this kind of representation to the members of the Legislature from the United Co-operatives of Ontario:

"The board of directors of United Co-operatives of Ontario has consistently considered

this question and, as a result, has taken the decision that they are firmly opposed to any extension of Sunday business operations beyond that currently permitted by law.

"Furthermore, we do not feel that the issue or question should be left to municipalities for decision, as that may lead to an inconsistent and chaotic set of regulations across the province.

"Many of our member co-operatives have already indicated to us that they strongly support the position outlined above. United Co-operatives of Ontario and its affiliate member co-operatives represent over 90,000 members, 2,600 employees, and conduct business in 195 locations in the province.

"We trust that all members of the provincial Legislature will give due attention and recognition to the wishes of those groups and individuals who oppose the further extension of business operations on Sunday."

Certainly, this should be an issue, particularly with respect to those rural areas of the province that, in many cases, are currently being represented by government members who in fact are supporting this legislation, not supporting the concerns of their own constituencies.

Of course, all of us have received numerous letters and petitions from our own constituents. Just as an example, I read a letter which I have received from a resident of Sault Ste. Marie. It reads as follows:

"I am writing in regards to the Sunday shopping. Being a full-time worker in the retail business, I am definitely opposed to this being identified as a regular shopping day. I feel that there are plenty of shopping hours during the week for people to take advantage of. Coming from a large family, I know and recognize Sunday as a day for the family to be with each other, and gives us a chance to enjoy the finer things in life."

Another short and simple letter that I received from a local constituent:

"I believe that the decision regarding open Sunday shopping should remain with the Ontario government and not with each municipality. Also, I am against open Sunday shopping."

I will read the following letter which I just received last week from one of the small businesses in my community. It says as follows:

"I am the manager of a Black's retail camera store in your riding and I am writing you in connection with the government's Sunday shopping legislation. Sunday shopping is a concern of mine and the other members of my family. Ontario's current Sunday closing law, the Retail



Business Holidays Act, provides retail employees and small retailers with a common pause day.

"Due to the domino effect, the municipal option contained in Bill 113 is a prescription for wide-open Sunday shopping across the province. Bill 114, which purports to protect retail employees who refuse to work Sundays, is a sham. No law can protect vulnerable retail employees from subtle pressure to work.

"I believe that the public and the media are not sufficiently aware of the inadequacies of Bill 114. It is a cruel joke for the Peterson government to refer to Bill 114 as labour legislation, which when taken together with Bill 113, eliminates the common pause day.

"Your party's opposition to the local option is to be commended. I would urge you and your caucus colleagues to use every legitimate parliamentary tactic to oppose the passage of the Peterson government's Sunday shopping legislation."

We have further submissions, which I think all the members of the Legislature have received from other organizations; as an example, the Citizens for Public Justice, another multiorganizational group similar to the Coalition Against Open Sunday Shopping. We have had their arguments presented on why these bills are improper, are not supported by the people of the province and why everything possible should be done to stop them.

**1520**

In my view, the essence of this issue is the quality of life in our province. I am concerned that there must be an opportunity for families to have a day of rest, relaxation and reflection; six days of labour should be sufficient demand on the people of our community. Children should be able to count on having parents at home at least one day per weekend. In the case of single parents who work in department and grocery stores, Sunday shopping means many children will be deprived of valuable time with even one parent.

There are of course many union workers, including steelworkers, who have to work on Sundays in industries with continuous operation. There are other workers—in restaurants, corner stores and hotels—who have to work on Sundays. They all qualify for an alternative to Sunday as their day of rest, but those workers will tell you that their day off is just not the same as being able to have Sunday off. Certainly we should not be forcing Sunday work on sectors of the economy where it is not necessary.

Shopping is both a necessity and a good thing. There is nothing wrong with supplying our daily needs with care and attention to style and imagination. A great retailing industry out there clamours for attention and is at our service six days a week, but surely we give away too much if we let a common pause day become like the rest.

I believe that this government motion is taking us in the wrong direction in terms of process in this parliament and in terms of the bills we are going to have restricted debate on. Those bills are not in the best interest of the people of this province. I hope that we will turn down this resolution.

**Mr. Eves:** It is a pleasure for me to rise and comment on government notice of motion 20, which we now have standing before the Legislature. This is a very unusual government notice of motion, because I believe it is the first time, in this Legislature in any event, that any government in the history of Ontario has attempted to put two government bills into the same guillotine motion.

I know the member for Renfrew North (Mr. Conway) and the government House leader, who is one and the same person sitting there so appropriately in his spot, has shown some concern in the past—and we will get to that in a little while—about such guillotine or closure motions. He prefers to refer to them, now that he is in government of course, as time allocation motions. However, he was not nearly so kind when he was a member of the opposition.

**Hon. Mr. Conway:** If you look at my words and read them carefully—

**The Deputy Speaker:** Order.

**Mr. Eves:** We will read them very carefully as we proceed with this debate.

It is important first of all to look at the point of order that the leader of the official opposition raised in this very important matter, and that was supported by my colleague the member for Carleton (Mr. Sterling), because we are looking at a serious departure from past traditions in this House. I have read very carefully the Speaker's comments and rationale behind his ruling.

Although I and my colleagues in our party did not challenge the Speaker's ruling, because quite frankly we believe and share that the Speaker was acting in what he considered to be the best interests of the Legislature in an impartial, objective fashion, I would beg to differ with some of the Speaker's reasoning with respect to reaching the conclusion he reached.

I do not really have a quarrel with the part of his reasoning that comes to the conclusion that

you can deal with various stages of a bill in one single time allocation motion. I think the precedent has been set for that in other legislatures and indeed in our very own House of Commons in Ottawa as recently as the debate with respect to the free trade agreement.

However, where I think the Speaker's reasoning does rather stretch one's imagination, if I might put it that way, is when we get to the issue of dealing with two bills together in the same time allocation motion. I am looking at the Speaker's comment: "On January 9, 1986, this House agreed by unanimous consent to permit the motions for second reading of three related bills to be moved together and for the bills to be debated together."

That may very well be true, I say to my colleagues, but that is a totally different matter altogether. The House can do anything it wants by unanimous consent, virtually, and on that occasion we were not talking about a time allocation motion at all, we were just talking about dealing with second reading of three related bills together.

The only precedent the Speaker could find with respect to this was in the House of Commons at Westminster. He could not find any precedent in any legislature or the House of Commons in Canada whatsoever. He said, "In the House of Commons at Westminster, precedent has been established to allocate time in one motion to several bills jointly."

It is interesting to note also that the standing orders speak of, to quote the Speaker quoting from the standing orders themselves, "the allocation of time to any proceedings on a bill." It does not talk about bills. It never perceived that we would deal with more bills than one at once. Those words are in the singular and they are meant to be in the singular for a very express purpose and that is what the members of this House have decided the rule should be.

The only other justification the Speaker could find with respect to being able to do this to two bills in one time allocation motion was a quote from a book, House of Representatives Practice in the Australian House of Representatives: "for the rules to be suspended to enable related bills to be considered together." I might even point out that that is not dealing with the time allocation motion itself.

If you were in a court of law, you would be stretching logic past the acceptability point to try to argue such a case before any judge, I would submit, and I think it is stretching logic a little to come to the conclusion that was reached with

respect to dealing with two pieces of legislation at once. I would have much preferred that the chair had ruled that there had to be two time allocation motions introduced, one for Bill 113 and one for Bill 114. I will get to another reason for that in a minute, that is, because Bill 113 I think has had much more debate and much more time spent on it than Bill 114 has to date.

I also would like to reiterate a point that several of my colleagues have made. The interim leader has raised the point about the government members, especially the government backbench members, being able to speak as freely as they wish on this particular issue. We believe the government acted prematurely in introducing a time allocation motion on Bill 113 and Bill 114. One of the reasons for that is that only about one third of the government's own MPPs have had the opportunity to debate the bills.

Hansard shows that only 36 out of 94 Liberal members, excluding the Premier (Mr. Peterson) and the Speaker, have either formally debated the Sunday shopping bills in either the Legislature or in the standing committee on administration of justice.

By invoking the time allocation motion, the government is in fact restricting the rights of its own members to address an issue which must be of great importance to many of their constituents. After all, we are all here to serve the same purpose, to serve our constituents. There are many occasions when a member of the Legislature, he or she, may disagree with what the overwhelming majority of their constituents think on a particular matter. It is my view and the view I think of most representatives that they are here to represent the views of their constituents which may not necessarily be their own personal views from time to time.

I would say to the government members opposite that they should think about that before they finally vote on these two pieces of legislation. I am sure they are going to go out of their way to make their constituents aware of the fact that, despite the fact their constituents do not want the Sunday shopping legislation, they are going to vote for it anyway because the good old Premier is going to tell them to do so.

By the way, excluding the Premier and the Speaker from the number of members on the government side who have had an opportunity to participate in debates on Bill 113 and Bill 114, 36 out of 92 members is exactly 39 per cent of the government members to date who have bothered to express an opinion one way or the other. I guess we can gather that the other 61 per cent of



Liberal members have constituents who do not care about Sunday shopping, so they do not care to say anything about it, either in the Legislature or before the committee.

1530

**Hon. Mr. Conway:** You didn't find my speech convincing?

**Mr. Eves:** I have the government House leader's speech here. I have several of his speeches. I am going to read some very interesting quotes that the government House leader has made in years past.

I would like to compliment my colleague the member for London North (Mrs. Cunningham), who raised the issue in the Legislature with the Premier, asking if he would permit government members to cast a free vote on Sunday shopping, without any type of coercion, subtle or otherwise, or any type of suggestion of reprisal or stagnation of one's political career, shall we say.

Because all members are elected to represent their constituents, we presume their votes will be based on their own consciences and those of their constituents, representing the viewpoints of their constituents. I think every single member should be able to vote on this important legislation by what his own constituents think. I recognize that may vary quite differently in different parts of the province. I would suggest, without prejudging the issue, that members who represent urban ridings might have a totally different viewpoint than those representing rural ridings throughout the province.

I would urge, as indeed my colleague the member for London North has on several occasions, each and every Ontarian to write or phone his MPP and tell him how he feels about this particular issue. I am sure MPPs would be happy to know, and I am sure they will follow the viewpoint of their constituents rather than that of their leader, I would hope, on this important matter.

Now I think we should get to talking about what the viewpoint of certain members of this Legislature has been in the past with respect to time allocation or guillotine or closure motions that were introduced by governments.

**Mr. Black:** Same old stuff.

**Mr. Eves:** It is not the same old stuff, I say to my colleague the member for Muskoka-Georgian Bay (Mr. Black); I do not believe he was a member of this assembly in 1982 or 1983.

**Mr. Dietsch:** No. He's not that old. He's just a rookie.

**Mr. Eves:** He certainly is that old. He may be a rookie; that latter comment may be true.

I would like to read into the record the viewpoint of the government House leader. I am quoting from page 5942 of Hansard dated December 8, 1982:

"Quite frankly, as my colleague and leader has indicated, it is an experience and rule among lawyers that difficult cases make for bad law."

The government House leader was referring to remarks by the individual who is now the Premier of Ontario.

Later in the same Hansard, a different page of the same date, he said:

"I would like very much to see the resolution of this deadlock by means of the framework we have evolved here since my arrival seven years ago, namely, the House leaders' panel, because I do not want to see this kind of new order born in the middle of this kind of deadlock and difficulty."

**Hon. Mr. Conway:** Almost eloquent, I'd say.

**Mr. Eves:** Almost.

Further along in the same debate, on the same date, there is another quote, which reads:

"Notwithstanding what some in the government may feel, I think we threaten to poison this parliamentary well if we proceed in this debate by writing into our rule book this kind of time allocation."

What we have here now is a totally new deviation that goes much beyond any time allocation motion that has ever been introduced in this Legislature in its history.

**Hon. Mr. Conway:** You're forgetting where I talk about structured time allocations.

**Mr. Eves:** We are coming to many more quotes of my friend's. He should not get too upset. We have lots more of them left.

Another quote, from February 15, 1983, reads:

"I reiterate, we have been able to do the business of this Legislative Assembly for a long time, through wartime, through great depression and much acrimony, without the time allocation procedure."

Is the member for Renfrew North suggesting to this Legislature today that the so-called crisis which the government sees with respect to Sunday shopping legislation, as it is commonly known, is more important than wartime and great depression? Is that what the member for Renfrew North is trying to tell us today by having this very motion, government notice of motion 20, before the Legislature?

Again from February 15, 1983, the very same member:

"I cannot believe we are seized in the winter of 1982-83 with some parliamentary crisis that forces us into a new avenue, down a slippery slope of time allocation, without which we have been able to function for the previous 115 years. I really have to say that we must be protected from this type of majority government stampede and arrogance."

That is from the present government House leader himself, no less. Another quote from him on the same date: "I conclude by pointing again to the long-standing presence of standing order 36, which gives to the government House leader"—he is now himself, I might add, no different person than the government House leader. Pardon me, I deviated from my quote there. Picking up on the quote again—"and the Minister of Education all they require to move the debate along from time to time as they see fit, in a way that squares itself with parliamentary practice of this place and the standing orders under which I thought we all operated."

The very next day—he was not done yet; waxing eloquent, he carried on for several days in a row during this debate—he said:

"The fact that we have come to require government notice of motion 11 at this time on this issue says it all about the parliamentary proclivities of the member for York Mills. Unlike her predecessor—now government House leader—this Minister of Education does not understand that in a parliament, a sense of compromise and conciliation, on timetable at least if not on substance, is a very useful and helpful procedure."

Carrying on further on the same day:

"My point is simply that in my time here... we have had many a heated debate on many a government bill.... We saw the best of the British parliamentary system at work, a bit of give, a bit of take."

**Hon. Mr. Conway:** Did I say that?

**Mr. Eves:** The member said that. Another quote from the member:

"It reminds some of us of the happy compromises of an earlier day on important legislation that made this place work in the face of strong opposition. And without closure."

Another quote from the same day—boy, he was very vociferous on this occasion:

"The past practice in these cases has been for the minister to consider withdrawing the bill—not for ever, but until such time as tempers cool, calmer heads prevail and conciliatory amend-

ments can be rethought, re-entered and reworked."

A final little quote from the same member on the same day, February 16, 1983—we have a long way to go yet; we are only at February 16, 1983:

"It is the way of our forbears. It is the way of our tradition. It is not the way of some extraneous place that might, in this instance, provide some convenient crutch on which the government might lean."

That was none other than the member for Renfrew North himself.

Now we have some very interesting quotes coming up from other current cabinet ministers of the day. No less a person than the current Minister of the Environment (Mr. Bradley), in that very same debate on February 15, 1983, was quoted as having said:

"I recognize that is more embarrassing to the government because it would likely mean this form of closure would have to be invoked several times as we went through the various sections of the bill. That would be embarrassing. It would perhaps prolong proceedings for a greater period of time than would suit the members of the governing party. Nevertheless, if they were intent upon imposing closure, it would have been the preferable method of doing so."

**1540**

Another quote from the member for St. Catharines (Mr. Bradley):

"I feel the government would have been much wiser to have adopted a different course of action. I think it is blocking the democratic process; that is a mild word to use."

Another quote from the same individual who is now the Minister of the Environment and no doubt will be voting with the government on this issue:

"I ask that he"—the Premier of the day—"recognize the lack of wisdom of proceeding with a motion of this kind. It clearly stamps his government as one that is prepared to bulldoze legislation—important and less important—through this House."

I presume the member is still of the same opinion and he is of the opinion now that his government is one that is prepared to bulldoze legislation through this House.

**Mr. Dietsch:** Were you in the House then?

**Mr. Eves:** Yes, I was in the House then, as a matter of fact.

The Premier of today was quoted in the first debate of December 8, 1982:

"As my colleague pointed out, there were other options. That is why we cannot support this



motion for closure, guillotine, phase closure, time allocation or whatever one wants to call it."

Another quote from the current Premier on December 8, 1982:

"I have the right to pursue the most vigorous opposition that I can pursue, and the longer I am here the more I believe very strongly that the opposition is the only thing that stands between government and the sheer, naked use of power. It is the only check we have in the system, and I believe it is our responsibility to exercise it in as responsible a way as we can."

Another quote from the Premier on the same date:

"Speaking for myself and for our party"—I presume that means the Liberal Party; he is still a member of the same party, I presume—"I say that part of our responsibility in pursuing what I hope to be a vigorous opposition is that we want to amend the bill and make it better."

This is not unlike some of the arguments we are using on this side of the House today. I continue with the quote:

"We regret very much that we have been precluded by certain kinds of behaviour from having that kind of discussion."

I would now like to deal with some matters of importance, I believe, with respect to the amount of time these two pieces of legislation have spent in committee and, indeed, in the Legislature. I would like to get on the record some facts with respect to those times and times spent.

In the standing committee on administration of justice dealing with these two pieces of legislation, there were 522 presentations, oral and written, made to the committee. Out of these 522—now think of this—only 30 indicated even some measure of support for Sunday shopping to varying degrees. What percentage, I wonder, is 30 out of 522?

I would suggest that the government members think about this for a minute, because I think the percentages in their own constituencies are not too different from the members of the public who bothered to come before the justice committee to make their viewpoints known.

I am sure that a government with 94 members, with all its resources, scoured every square inch of Ontario to get every delegation it could ever find in any nook and cranny in the province here before the justice committee to speak in favour of Bills 113 and 114, and what it found was 30 groups that have some measure of support.

We are not done yet, I say to the government members, because we are going to come to an even more interesting statistic here in a minute.

Although these 30 groups expressed some support for Sunday shopping, they did not all indicate support for the current legislation. In fact, most of them were against the local option idea, despite favouring the idea of Sunday shopping.

Nine groups in total, nine out of 522, supported the current draft legislation. The government members might want to stop and think about that as a percentage for a moment.

Number of days spent studying the bills: We have heard that the reason why we need this time allocation motion and why we have been debating it for the last couple of days is the fact that so much time has already been spent studying the bills.

The government claims the Sunday shopping legislation has been studied and considered for nine months, including 60 days of legislative debate. In reality, the majority of time in the justice committee was spent in hearings, not considering the legislation clause by clause at all.

There was comparatively little time for debate in the committee, and the time spent on Bill 114 was next to nil. Presentations concerning both bills 113 and 114 were made for some 13 days in committee.

Clause-by-clause consideration of Bill 113 lasted some 20 days or 52 hours. Think about that, Mr. Speaker. Fifty-two hours represents four days and four hours. Pardon me, it is not even that long. A day has 24 hours, does it not? Twenty-four times two is 48, two days and four hours. That is the amount of time we have spent. That is why we need a time allocation motion, because we have actually talked about it clause by clause for the total sum of 52 hours.

Clause-by-clause for Bill 114 lasted less than four hours. That is why we need the time allocation motion, obviously. We spent all of four hours on the debate on the particular piece of legislation.

All told, it appears that some 34 days have been spent in some fashion in some consideration of the bills.

Bill 114 is thought to be somewhat unfair, discriminatory and totally unnecessary. I would like to address Bill 114, because we have had all of four hours' discussion about it. That is why we need closure, I guess.

The Sunday worker legislation does greater harm than it does good, I suggest, because it creates an aura of protection for retail workers but in reality offers little or no protection for the most vulnerable in our workforce, particularly single parents.

The government has literally singled out generally the weaker, less wealthy segment of our society, particularly the nonunionized retail workers and small retailers, and has made them the unwilling target of a bill that will force them into unwanted situations which normally never would have been considered before, having had the full discretion over their working preferences and choices in their chosen occupation.

I think it is a rather pathetic defence that the government believes the dictum that misery loves company. It wants to tell us that many people already work Sundays. Some retailers do work Sundays within the current legal framework, whether in convenience stores or gas stations or pharmacies or providing essential services.

The vast majority of retailers in this province, nearly 400,000 retailers, do not work Sundays. The fact that most retail workers do not work Sundays means that with the passage of this unwanted and undesirable legislation, all retailers will now have to reconsider their chosen profession.

They will take into account whether or not they want to work Sundays. If they do not, they will be forced to deal with rearranging their lives or facing their employer or, worse still, the employment standards branch of the Ministry of Labour.

It is a thoroughly devious statement and a very serious misconception for the Minister of Labour (Mr. Sorbara) and the government to state that under Bill 114, retail workers will have a choice about working Sundays. They will not. They will not have a choice because they will have to go up against their employers. When an employee has to battle his or her employer, guess who is going to win?

Bill 114 is also unfair because it creates unreliable procedures for retailers to follow, resulting in serious uncertainty for all within the retail sector.

The government offers us a test of reasonableness, as it says, which I think is really an insult to any employee with a valid concern about Sunday work. What an employer considers reasonable may be very different from what an employee considers to be reasonable. What the mediator from the Ministry of Labour considers reasonable may be very unreasonable to either an employee or an employer.

**1550**

Any mediation process is subject to some element of unfairness. When it pits employer against employee in a setting that both would

rather avoid altogether, in theory I suppose an employee may have a platform to argue his or her case with the bill, but in practice most employees will not have the power or the stamina to ensure that their rights are upheld. This is because many retail employees are uneducated and have little time to spend in lineups at the employment standards branch, struggling as they often are, juggling their time with two or three different jobs, school and family. That is especially true, I would suspect, in the case of the single parent.

Bill 114 also has an element of discriminatory practice to it. The bill is discriminatory because it includes the premise that retail employees may have to declare their religious preference, which may well be a determining factor in an employee's decision to refuse Sunday work. This is an infringement of a personal right of Canadian citizens, something which does not appear to stand up against our Charter of Rights and Freedoms.

Our provincial government must recognize not just how much we cherish the right to our own individual religious preference, but also the blatant discrimination that this bill and Bill 113 pose by forcing an employer or an employee to make his or her religious preference known. Currently, it is illegal for employers to ask potential employees about their religious preference. If Bill 114 is enacted, employees may feel it is necessary to explain their religious preference and beliefs to protect their jobs and refuse to work on their chosen Sabbath.

Bill 113 will also place corporations, perhaps for the first time in history, in the predicament where it will be necessary to define religious preference within their corporate bylaws. I think this is an astounding and literally unbelievable suggestion on the part of any government and it infringes the most sensitive and private rights of citizens of this province.

Why is Bill 114 necessary in the first place? I think Bill 114 is totally unnecessary, and I say that without reservation. Everyone from church groups to unions and unorganized labour, mall merchants and major corporations has made it extraordinarily clear to the standing committee on administration of justice that this legislation is seriously flawed, unwarranted and unwanted.

Again, only some nine groups have expressed an interest in Sunday work out of a total of more than 500 groups. The desires of the people could not be clearer: there is no mandate for bringing forward this legislation. As a consequence, there is no need to bring forward Bill 114, which only serves a political purpose, that is, to help the



government save face, which it unfortunately does not do, with its proposed Bill 113, a bill that clearly no one in the province wants or needs, at least that the overwhelming majority of the province does not want or need. We cannot support Bill 114, just as we cannot support Bill 113.

Bill 114 was introduced as a companion bill to the government's controversial Retail Business Holidays Amendment Act, Bill 113, on April 25, 1988. It was intended to assist employees in the retail sector who will be subjected to retail store openings on Sundays with the implementation of Bill 113. The government claims that its bill establishes new protections, namely, that retail workers will be able to refuse Sunday work which they consider to be unreasonable, and establishes a mediation process in cases where the employer and the employee disagree on what constitutes unreasonable Sunday work.

The mediator, it is interesting to note, will be an employee of the employment standards branch of the Ministry of Labour. I wonder if he or she will do his or her mediating on a Sunday. When no settlement is reached, the matter will be referred to an independent referee for a determination. Bill 114 has been introduced, as was Bill 113, against the wishes of a wide array of interest groups in the province ranging from labour groups to church groups, retailers, nonretailers, municipalities and the Coalition Against Open Sunday Shopping with its more than 300,000 members.

The bill is solidly opposed on all sides because, although it claims to offer protection to retail workers, this so-called protection is not guaranteed. The bill will merely make available certain staff from the employment standards branch for hearing cases where employees who do not wish to work Sundays have been asked by their employers to do so.

As a result, the bill makes any complaint against working on Sundays an unreasonable complaint; that is, when a retail employee who does not want to work Sundays cannot work out an agreement with his or her employer, the retail employee's complaint automatically constitutes an unreasonable request, according to the bill. Only these unreasonable requests can go before the employment standards branch for their so-called protection in the mediation process. The bottom line is that there are hardly any grounds on which an employee can refuse to work and successfully defend an adjudication.

Ontario has approximately 550,000 retail workers, some 50,000 of whom are unionized

retail workers. The Ontario Federation of Labour claims that Bill 114 is poor legislation by almost every conceivable standard and that for the nonunionized employees in particular the so-called right to refuse is simply not there at all. The OFL has suggested that the Minister of Labour either legislate compulsory premium pay for Sunday work or scrap the bill, along with Bill 113, altogether.

As I said at the outset, there are many, many groups that have appeared before the committee, making either verbal or written presentations. I have a list of them here. I will not bother to read the names of the 522 that have appeared before the committee, but I do think that some government members should just think about some of the groups opposed to Bill 113 that have appeared before the committee. I think that after they—

**Mr. Furlong:** What does this have to do with time allocation?

**Mr. Eves:** First of all, time allocation is not necessary. It is certainly not necessary with respect to Bill 114, where we have had all of four hours' consideration; and according to some previous statements of the government House leader, the Premier and the Minister of the Environment, there should never be time allocation. There is never justification, ever, in parliamentary tradition, especially in this Legislature, to introduce a time allocation motion.

It is not necessary, according to the member for Renfrew North, in wartime, it is not necessary in depression and it is certainly not necessary now, I would suggest.

**Hon. Mr. Conway:** George Drew never read petitions until the sun set in the north.

**Mr. Eves:** Nor have I, I would say to the member for Renfrew North.

We have heard opposition to Bill 113 ranging from the Anglican Church of Canada to the town of Aurora to the Aylmer Bible School to the Consumers' Association of Canada to Michael Cassidy to the Canadian Federation of Independent Grocers to the Canadian Lord's Day Association to the city of Cornwall to Citizens for Public Justice, Canadian Tire Corp., Centennial United Church, Doral Holding Ltd. Essex Christian Reform Church, the town of Exeter, Foulds Brothers Furniture, the freedom of choice movement, Greater Peterborough Chamber of Commerce, the town of Hanover and the London Chamber of Commerce. The Premier of the province should be familiar with that one.

We have heard from many, many concerned individuals as well, representing, I would say—

**Mr. Black:** The Parry Sound chamber of commerce.

**Mr. Eves:** Yes, the Parry Sound Area Chamber of Commerce as well, as a matter of fact, as the member for Muskoka-Georgian Bay points out.

I would think that if the government even listened to the Association of Municipalities of Ontario, there can be no doubt that the overwhelming majority of people in Ontario as well as the people who have appeared before the justice committee are opposed to this legislation.

One has to ask oneself why, in the face of in excess of 90 per cent of the people of Ontario opposed to Sunday shopping, the government is ramming Bill 113 and Bill 114 down the throats of the people of Ontario. I think government members should ask themselves that when they stand up and vote on these very important issues.

I do not think we need time allocation. I would even suggest that if we had not seen a time allocation motion, we might have already completed debate on both pieces of legislation.

**1600**

**Mr. Philip:** It is a pleasure to participate in this debate on closure which the government has seen fit to bring forward.

**Hon. Mr. Conway:** Dr. Philip, you know better.

**Mr. Philip:** Well, Dr. Philip knows the laird from Renfrew perfectly understands what closure is, because in opposition he argued that time allocation was closure. If he would like me to quote the sections, I would be happy to do so.

What I found interesting was the free-time political broadcast by his lordship from Renfrew. I have never seen such a performance in my life. I have seen his lordship perform on many occasions. He is one of the best performers in this House. In this instance, he could not even look into the camera. He could not look straight into the eye of the camera, because he knew what he was trying to do to the public who were watching.

Let me tell members some of the statements he made in that rather interesting performance. First, his argument for this closure motion. This gives members an indication of the arrogance he manages to have come to in government in only a very short time. He said, "In September 1987, the people of Ontario gave us a strong mandate to govern."

What he failed to say, of course, was that he and his colleagues and, more particularly, the Premier went to the people of Ontario and said:

"We're in favour of the recommendations of the select committee which my colleague Mrs. Smith"—at that time she was not the Solicitor General—"put her name to. We're in favour of the principle of a common pause day." Six months later, of course, he did a complete flip-flop. The mandate he received was not a mandate for this legislation, as we have heard across the province time after time by the different deputations.

He said also that we must move on in this legislation to make way for other important legislation, and went on to name justice legislation. We have seen one of his justice bills. The justice bill last week was an amendment to the Sheriffs Act which passes on to the municipalities the cost of policing, of safeguarding, of the security functions of the provincial courthouses. This is truly a matter which once again the municipalities had not asked for.

We have heard the outcry from the municipalities. We hear from Metropolitan Toronto that this bill, which is so important for the government House leader to get through, will cost the taxpayers of Metropolitan Toronto an additional \$14 million. Property taxpayers are going to have to pay for that, because the provincial government once again in this justice bill is going to pass on its responsibility but without any kind of subsidization in terms of payments to the municipalities for the extra cost they are going to receive.

Interjection.

**Mr. Philip:** I hear the member from Scarborough, who used to be a municipal councillor there. His fellow municipal councillors are saying how bad that bill is. He does not have the courage to stand up in the House and give his view on this bill but he likes to interrupt me while I am giving mine.

I am sure the people in Scarborough would like to know not only where the member stands on this bill but also where he stands on the fact that they are going to pay higher municipal taxes as a result of his government wanting to bring in this other legislation, which it feels is so important that it needs closure in order to get on with it.

The member for Renfrew North said also that time allocation would allow for an additional four days of debate in this House. Whoopee. A bill that is of this importance, and he wants four days of debate in this House.

**Hon. Mr. Conway:** After 63 other days.

**Mr. Philip:** It is interesting. Let me deal with those 63 other days. Of the 63 other days, a major portion was hearings. About those hearings, it is very interesting that the House leader in his



free-time political broadcast also said, "We have listened to the people out there." Have they listened to the people?

I asked the researcher for the committee, who is nonpartisan, to see if she could calculate as best she could, without any duplication—because some people appeared with different hats on—exactly where the people stood on what the government is saying is the essential principle of the bill, namely, the municipal option, which the Solicitor General (Mrs. Smith) at one time called the chicken option, the passing-the-buck option.

Of the presentations, 402 were against the municipal option as compared to 26 in favour of the municipal option. If the government had really been out there listening to the public, as it says it has, surely it would dawn that when 93.9 per cent of the presentations that commented on the main section of the bill—section 4, the essential principle of the bill—were opposed, the government has to do something about it or it is not really listening; or if it is listening, it is not being sensitive to what the people are saying. In spite of this, the government refused to withdraw this section.

The minister says that the members in the committee, more particularly the opposition members, were moving amendments to the bill and that this was taking a lot of time. Let me say this: The members in the opposition, my own colleagues in the New Democratic Party and my colleagues in the Progressive Conservative Party, were moving amendments based on the very hearings that Liberal members heard but refused to pay attention to.

The public demanded that there be minimum fines in the bill. The opposition moved the amendment and the Liberals refused and defeated it. The public demanded that criteria be contained in the bill so that if there were a municipal option, which they preferred there would not be, at least there would be some standards. The opposition moved that and this was defeated. The public demanded the provision for an appeal to the Ontario Municipal Board in some way, the same way as other municipal decisions can be appealed. This the Liberals used their majority on the committee to defeat.

The public demanded that there be at least a simple review of the legislation if it were to go ahead. If the Liberals were so much in favour of this legislation, if they were convinced in their hearts as well as wherever that they were right, then they would not object to a review somewhere down the line. We moved that review process and the Liberals were so afraid of their

own legislation that they used their majority to defeat it.

Let me give a few quotes from some of the people to whom at least the opposition parties listened, but to whom the government refused to listen.

**Hon. Mr. Conway:** He points an accusing finger.

**Mr. Philip:** I am pointing an accusing finger at the laird from Renfrew because I know that he was not a member of that committee, but I am sure that if he was not directing—

**Hon. Mr. Conway:** I watched and listened to you and Farnan and I have never seen the like of it.

**Mr. D. S. Cooke:** I think he was pulling the strings.

**Mr. Philip:** I think my House leader is wrong. It is the Attorney General (Mr. Scott) who seems to pull the strings of the Premier, and then the Premier descends from above on all the other members. I am sure that the laird from Renfrew is very embarrassed at having to defend this legislation, not just to his constituents, but to his parish priest, who I know is very much opposed to this legislation.

**Hon. Mr. Conway:** Ed, I am not easily embarrassed.

## 1610

**Mr. Philip:** If we look at the different sections of the bill, we see what the different groups that appeared before us said.

The Association of Municipalities of Ontario, of course, said that the entire section 4 should be deleted. These are the municipalities of Ontario. These are the so-called grass roots, which the Liberal government is trying to argue it must pass this authority on to because they know what is best for their people. Having made a decision as to what is best for their people, they said, "We do not want section 4."

Out of the other side of their mouths, the Liberals on the committee said, "Oh, yes, but we are going to give you section 4 anyway." So by one stroke of the pen or one stroke of their argument they say the municipalities know what is best. On the other side, when the municipalities say: "All right. We know what is best. We do not want section 4." They say, "Oh, well, you are going to get it anyway."

Another group, the Ontario Automobile Dealers Association, said to exempt automobile dealers from municipal authority under this section by inserting the words, "except automobile dealerships" following the words "retail

business establishments." The opposition moved that. We thought it was reasonable. Even wide-open jurisdictions in the United States exempt automobile dealerships from being open on Sunday.

The automobile dealers themselves said that what happened in western Canada was that it increased their costs by \$150 to \$300 per new car, that it would be inflationary to the public, that it would cost more to buy a new car if this legislation came through, if our amendment to this bill did not pass. But this government knows better than the business community what is best for the industry, so the government said, "Even though you want this exemption, you are not going to have it." Even though other wide-open municipalities have at least seen fit to have an exemption on car dealerships, they are not going to have it. The government knows what is best for this industry.

Even though they are arguing that it is going to mean that some of their better staff members are going to move on to other forms of selling because they want a Sunday off, because their families will demand it, because it puts pressure on them, the government says: "We do not care about your personnel problems; we know what is best for you, and we are going to leave this in. We are not going to accept the amendment that the car dealers of Ontario asked for."

The Netherlands Reformed Congregation, along with a number of others, asked that we restrict the municipal authority under various sections. The government refused. The city of Toronto asked that section 4 be deleted and provided a detailed proposal on how it could be amended.

It stated: "Delete this provision and strengthen the existing framework in the current legislation by introducing consistent guidelines to govern municipal designation in tourist areas and the following considerations might usefully provide a basis for province-wide guidelines. Municipalities may allow stores to open on Sundays and holidays where it can be established that the sales to tourists constitute or are likely to constitute a major share of their business. In permitting stores to open on Sundays, municipalities should have regard for general desirability of retaining Sunday as a common pause day and municipalities should avoid placing stores not permitted to open on Sunday at a significant competitive disadvantage."

The city of Toronto said, "We are willing to work with you on providing guidelines for the tourist exemption which you claim is so impor-

tant to you," and the members on the committee refused it and said it could not be done.

The various groups that appeared said that if the government is going to have provincial legislation—as the Liberals were arguing that this is, and of course everybody else knows that it is not; it is passing the buck to the municipalities—at least have some fairly concrete provincial guidelines as to how the municipalities can evaluate whether they should have certain types of exemptions. Of course the Liberals on the committee said no.

I want to outline, if I may, just how specific some of the amendments were, because the Liberals tried to indicate that somehow members of the opposition were simply stalling on that committee.

**Mr. Black:** You were.

**Mr. Philip:** The member for Scarborough keeps on interrupting, but he fails to speak on this bill. They do not call him the sitting member for nothing. I am sure he sits an awful lot more than he stands up for his constituents.

If you look at these amendments, you can see just how specific they are and how much work members of both the New Democratic Party and the Conservative Party put in, trying to come to grips with this legislation and trying to improve what is a bad piece of legislation, at least bad in terms of the essential principle of the bill, section 4.

On October 5, I moved that subsection 4(1) of the act, as set out in section 4 of the bill, be struck out and, instead, the following be substituted:

"Despite section 2, the council of a municipality may by bylaw permit retail business establishments to open on any holiday,

"(a) if, in the opinion of the council, it is essential for the maintenance or development of a tourist industry or cultural industry in the municipality; or

"(b) if the establishments provide essential services to the municipality."

We moved that and we argued that. The Conservatives moved a similar amendment, and the Liberals used their overwhelming majority on the committee to quash the amendment.

**Mr. Black:** It wouldn't work.

**Mr. Philip:** The member says it would not work, but he did not pay any attention to the committee. He has failed to stand up in this House and express how he thinks he could make it work, but he loves to heckle and make noise on the side.

On October 7, I moved a very simple motion. One would think that this government, which is



so new, would at least believe in open government; at least they would give lip service to it in the first couple of years of their government. One can see here just how autocratic the Liberal government is. I moved, on October 7, a fairly simple amendment, that section 4 of the act, as set out in section 4 of the bill, be amended by adding the following subsection:

"Shall publish a notice announcing the council's decision to review the Sunday shopping issue and providing details of a public meeting and shall send copies of the notice to all persons who have asked to be notified about any proposed changes in Sunday shopping bylaws."

It is a fairly simple motion. If the government is going to make a change that is so fundamental to people's lives, to people's work, then it should at least have a system whereby you would publish it in the local newspaper so that people would find out about it and so they could come and make their views known to the local council.

One would think that is not a terribly hard thing to do. The provincial government on other matters publishes when it is having hearings on all kinds of things, many of which are not nearly as important to the daily lives of families as this legislation is, and yet the Liberals do not want to require the municipality to advertise if it is planning on making a change.

How can one help but wonder that the Bay, the Cadillac Fairviews, those friends of the Liberal Party, are behind this? If you are going to sneak up on people and get through your opening on Sunday, it is much easier than if a whole bunch of people know about it, because they can create an awful lot of noise and confrontation and information if they know about it.

In a democratic system, one would assume that major changes should at least be advertised. But no, the Liberals decided that was too democratic for them.

**Mr. Black:** If you had any confidence in the municipal authorities—

**Mr. Philip:** The member from Scarborough is making the noise again that if we had any confidence in the municipal authorities—the municipal authorities told the Liberals what they thought of this bill and what to do with it, but they would not do it.

**Mr. Black:** Point of order, Mr. Speaker.

**The Acting Speaker (Mr. M. C. Ray):** The member for Muskoka-Georgian Bay on a point of order.

**Mr. Black:** On a point of order, Mr. Speaker: I wish the member for—

**Mr. Dietsch:** Wherever he is from.

**Mr. Black:**—wherever he is from would stop referring to me as the member from Scarborough. I am the member for Muskoka-Georgian Bay, I am not the member from Scarborough. I feel very badly for the member from Scarborough who is getting credit for all of the wise and intelligent things I am saying.

**Mr. Philip:** I am sorry that I have mistaken one Liberal for another, but they get marching orders from the Attorney General and they all say the same things all in the same way, so it is a forgivable sin if I mistook one Liberal for another because they all follow and they all march to the same tune. The problem is that the tune they do not march to is the tune of their constituents, who have been telling them over and over again that on an issue like this, which should be a matter of conscience, they should at least vote according to their conscience and according to the way their constituents ask them to. That is the one thing that they will not distinguish themselves by.

On October 7, I moved that a municipality, if it is contemplating a change, "shall follow the requirements for the contents of the notice and its circulation as set out in the regulations or a provincial review body designated under this act."

That is a simple way of saying that under the regulations of this act there should at least be a system set out whereby municipalities would inform their electorate if they wanted to make major changes.

The Liberals refused, so they could have a municipality that wishes to give no notice to its people—

Interjection.

**Mr. Philip:** Mr. Speaker, if I am going to address the House, I would appreciate it if—

**The Acting Speaker:** The member for Etobicoke-Rexdale has the floor and the right to speak in an uninterrupted manner.

**Mr. Philip:** It is fairly obvious that the Liberal members who did not listen to the public at the hearings and voted against the amendments that the public asked for in the committee do not want to listen to these amendments now, even those who were not on the committee. They still prefer to accept and parrot the notes that were sent to them, probably written by the Attorney General but distributed by the Solicitor General.

The Association of Municipalities of Ontario, that local body representing a majority of the

municipalities in Ontario, requested an amendment which I moved on October 7.

I moved that, "No municipality shall pass a bylaw under section 1 until:

"(a) the members of the Legislative Assembly in whose riding the municipality lies, in whole or in part, hold a public meeting concerning the proposed bylaw; and

"(b) a majority of the members of the Legislative Assembly referred to in clause (a) approve the proposed bylaw."

The Liberals in the committee liked to say that this was provincial legislation; that it was an unfair statement by the press, by the association of municipalities, by the unions, by the women's groups, by the church groups that they were passing the buck; that this was really provincial legislation.

If that was provincial legislation and the members of this Legislature were not passing the buck, then surely they would want to be in on any decision affecting their constituents and their municipalities, and that is why the association of municipalities said: "Fine. If we're going to have this authority, let's share it then. You say this is provincial legislation. Fine. We want to at least put in a provincial end to it." That is why they asked for that.

Of course, when it came to putting up or shutting up, they fled. They said, "No, no, we do not want to have that authority, it could be embarrassing to us."

For a Liberal it is embarrassing. How do you stand on both sides of the fence without splitting your pants? That is the trick that they keep on trying to do. Therefore, it is better to duck the issue, and therefore they defeated this amendment.

**Mr. Dietsch:** That is a sexist remark.

**Mr. Black:** It certainly is. It is typical.

**Mr. Philip:** The members say that is a sexist remark. I find it very sexist that they think that only men wear pants. That kind of kept him quiet.

On October 17, we moved that in the case where a municipality was contemplating a major change, it "shall, if the most recent federal census indicates that 5,000 or more residents of the municipality have as their mother tongue a specific language other than English and a local newspaper publishes in that language, publish the notice...in that newspaper."

We know that many of the small business people in our constituencies, many of the small store owners in fact do not read the English-language newspapers; they read papers printed in

their own language. All that we wanted to do was to say that at least these people should be advised of any changes. It was a recommendation that a number of groups representing the various new Canadian shopkeepers had asked for, but the Liberal government was so insensitive to members of the new Canadian community that it did not even want to publish in their language a notice that could affect their very livelihood, their very business.

Earlier, I referred to the motion that was moved at the request of the automobile dealers, but again the Liberals decided that it was not worth their while listening to that industry.

On October 18, we moved, "If the council adopts a plan or an amendment to the plan, it shall ensure that the plan or amendment is made available to the public by publishing it in a newspaper having general circulation in the municipality and no such plan or amendment to the plan is valid until 30 days after the date the plan or amendment is published.

Again, another simple exercise in democracy: if you are going to have major changes that are going to affect people's lives, you should at least let them know about it. Again, the Liberals on the committee defeated that.

My colleague moved that if a council adopts a plan, it "shall ensure that the plan is made available to the public by publishing it in three consecutive issues of a newspaper."

That was also defeated. They did not even want the simpler one I had of publishing it once.

We moved a number of other amendments, but let me draw to the members' attention one that I think is important. As a matter of fact, I just received a letter the other day from the Ontario Convenience Stores Association. Coincidentally, it arrived a number of days after I had moved my amendment, but my amendment clearly reflected their concerns. They said:

"Dear Mr. Philip:

"I am writing to you on behalf of the Ontario Convenience Stores Association to express our appreciation for your co-operation and assistance throughout the justice committee's deliberations on Bill 113, the Retail Business Holidays Act.

"You are no doubt aware the Ontario Convenience Stores Association has followed the committee's progress closely since it began consideration of Bill 113 in the summer. We believe that the committee's process" and it goes on. Then it says:

"The amendments adopted by the committee leave important aspects of fairness unaddressed.



"The right to an independent appeal: At present, the law provides for a process involving notice, public consultation and input. This process will be initiated and administered by the municipalities. We believe, in addition, an independent appeal process must be provided in order to ensure that a body other than the municipality will consider the public concerns regarding the administration of its consultation process. At present, the bill is silent on that."

I had moved earlier, and I guess they had missed that because it happened a few days before, a fairly comprehensive amendment that required or allowed for an appeal to the Ontario Municipal Board. We can have an appeal to the Ontario Municipal Board on some of the most insignificant—and I say this not in a pejorative sense—but insignificant in terms of a total community impact kind of decision, yet on a major decision that is affecting people's lives and their style of life, their quality of life, their businesses, their right to earn a living in the way in which they have been accustomed to, on a major change which will affect their businesses and their working patterns, the Liberals refused to allow an appeal.

#### 1630

I can appeal if my neighbour does something that barely infringes on my property or something like this, but I cannot appeal if my very livelihood is affected in David Peterson's Ontario. I say to the members opposite that I find that shameful. It shows exactly what this government's agenda is. It is clearly an agenda of wide-open Sunday shopping.

We asked that if the Liberals really believed all the statements that the government propaganda turned out, at the very least, since they themselves said that this was "significant" legislation and we said, "Yes, it's significant in a negative way," they said it was in a positive way—I think we can all agree, whatever side of the issue we are on, that this is significant legislation; you cannot have as many people come out and speak on an issue like this without saying that it is significant legislation—then surely, if we are wrong in the opposition and the Liberals were right, they would not mind having a study in a few years, a little bit down the line, to see what kind of impact the legislation was having. In other words, was it working or not? Did it achieve what the Liberals said it would achieve or, indeed, was it the kind of disaster that was experienced with similar legislation in New Brunswick and Nova Scotia?

The Liberals are so afraid of their legislation that they refused to even have that kind of study. We built into the bill a simple amendment that said, "Upon the Legislative Assembly first sitting in 1990, a select committee of the assembly shall be appointed, to be known as the select committee on Sunday shopping, with the authority to sit during the session of the Legislature." Then the amendment went on to define what it would look at, including, "shall consider the merits of the policy and the objectives of this act and its effectiveness." It "shall report its observations, opinions and recommendations to the Legislative Assembly not later than the second anniversary of the coming into force of this section."

In other words, what we were asking for was a review. If this is the important legislation the Liberals claim it is, then surely they would have nothing to hide, nothing to be worried about, to have an all-party committee of the Legislature look at it two years down the road to find out whether it was working or not.

This kind of, what some would say, sunset—*sunsetting*—I think *sunsetting* is a little bit too strong for this amendment because the *sunsetting* regulations which were advocated by the committee headed by the member for High Park-Swansea (Mr. Fleet) would be much more draconian in the kind of *sunsetting* they would advocate in other areas, whereby unless certain things were done, the thing would self-destruct; but in this case, it did not even destroy the present legislation. All it does is say that two years down the road there would be an all-party committee to evaluate whether or not this legislation is effective.

The Liberals hemmed and hawed and, first of all, they said, "It would set a precedent." They found out that it would not set a precedent because, of course, none other than former Attorney General Roy McMurtry had introduced legislation years ago that had this kind of review process. Indeed, they soon found out that the Minister of Housing (Ms. Hošek) in this Legislature had introduced similar kinds of legislation: that a bill had to be reintroduced in a couple of years' time.

The whole argument at that time was that it would be a temporary thing in order to allow for a study. That, basically, was the principle of our amendment. We said, "If you're not afraid of the legislation, if you say that it's going to have major consequences"—and all parties agree that it will have major consequences; we saying it is negative, the others saying it is positive—"at least

put it to the test. In two years' time, have an evaluation to see where you go." The Liberals would not even allow that.

What I am trying to do is to show that in the committee we were, first, listening to the public and, second, we were moving amendments based on the recommendations of the various groups which appeared before us. Instead, the Liberals accepted two opposition amendments: a very minor one that changed a notice from one week to four weeks—

**Mr. Black:** Why should we have made the amendments you suggested? Your ideas were faulty.

**Mr. Philip:** The Liberal says my ideas are faulty, but the people who are watching think these ideas are workable and the people who recommended them, including the Association of Municipalities of Ontario, the grassroots politicians who are elected across this province, thought they were workable.

But the Liberals thought they know so much better than the public, so much better than the municipalities, so much better than the churches, so much better than the business people who understand their own business, so much better than the trade unionists, so much better than the women's groups and so much better than the various social agencies that appeared before the committee.

**Mr. Dietsch:** That is not true at all.

**Mr. Philip:** It is true. I have just had the member for whatever, from the Liberal rump down here, interject that it is not true. He has just said that my amendments are rubbish. But they are the amendments that were asked for by the public, so if he is saying my amendments are rubbish then he is saying that the municipalities, the church groups and all the other groups that appeared are presenting ideas that are rubbish.

That, of course, is the same kind of mentality the Premier had when he said, "Mr. Speaker, we have to move with this legislation because we have to move into the 20th century." What an insult. What an insult to the various sophisticated European countries that feel they can live in the 20th century without having an American-style, materialistic, wide-open Sunday shopping kind of environment. If that is his idea of progress, frankly, I think he is galloping very quickly into the 17th century and not the 21st century.

This legislation should not be forced through in this very quick manner for a number of other reasons. The first reason is that it is fairly clear that the government just did not do its homework before it introduced Bills 113 and 114.

First, at least the previous Conservative government had the good grace to consult with the trade union movement in all labour legislation it brought forward. It did not always agree with them, but at least it consulted with them. At no time was Bill 114 introduced to any of the workers' groups or the industry groups as other labour bills were under previous governments.

It is fairly clear that there were no impact studies done. The government claimed to know how many salespeople were working on Sundays now, but it could not even break down how many were working for only a few months of the year, as is the case, for example, at tuck shops at golf courses and tourist industry shops, or how many are working just a few hours a week, how many are working just weekends and so forth.

One would have thought the government would at least have gone to other jurisdictions that had introduced similar legislation to find out what the impact was. They did not do that. The minister said the domino theory is a myth, yet we know from British Columbia, where this legislation was introduced, that it was not a myth. It started with one municipality opening up: Richmond, British Columbia. This is a municipality many of us have flown into; Vancouver Airport. It is not a large shopping municipality; it is a municipality with a number of hotels and so forth around the airport.

Once that one municipality opened up, gradually the domino theory started to come into force. Indeed, we now know that in British Columbia there are 55 municipalities wide open, many of which did not want to open but were forced to open as they saw millions of dollars cross the border and cross the street to the adjoining municipality that had opened.

#### 1640

The domino theory does work, but the Solicitor General refuses to even look at that possibility. Indeed, even during the hearings we have said that in British Columbia the domino theory happened. The Liberals say it has not. The Solicitor General says it has not. Fine. Let's ask any clerk—

**Mr. Black:** The NDP passed that.

**Mr. Philip:** It is very hard to address you with this noise in my ear, Mr. Speaker. The member does not have the courage to stand on his feet and tell his constituents what he thinks of this bill, but he wants to prevent me from doing so. I ask you to call him to order.

**The Deputy Speaker:** All members, please, will respect the standing orders and allow one



member at a time. The only member recognized right now is the member for Etobicoke-Rexdale.

**Mr. Philip:** I will not speak at great length any further because I know that the member for London North, who is an excellent participant on our committee, wants to address many of the same concerns and has indeed come out of a very important committee meeting in this Legislature in order to do so.

We suggested that the Liberals on the committee choose any municipality in British Columbia and bring the clerk of that municipality—a purely nonpartisan person if there ever was one—to come and meet with our committee and tell us exactly what the BC experience was. The Liberals were so afraid of that kind of nonpartisan information that they refused that simple request.

We asked that the members of the committee consult with their own colleagues in Nova Scotia and New Brunswick, where there is a majority Liberal government and where they had rescinded similar legislation after two years.

I see a member in the House right now who had met with people in these municipalities when she was down there as chairman of the standing committee on the Ombudsman. She knows that they told her: "What nonsense. You are going to duplicate the same kind of nonsensical mistake that we did and two years later you are going to be in the identical position that we are and have to rescind the legislation."

That is what happened in New Brunswick; that is what happened in Nova Scotia. But the Liberals on the committee would not even consult with Liberal members in other provinces to find out, in an open way, what had gone on when this kind of silly, unworkable legislation was introduced.

**Miss Nicholas:** On a point of order, Mr. Speaker—

**The Deputy Speaker:** A point of order under which standing order?

**Miss Nicholas:** I am sorry, I do not know the standing order. However, the member was referring to myself and I do not recollect any such events or comments having transpired. I ask him to clarify his comments.

**Mr. Philip:** I would be very happy to clarify my comments. We were in the Maritimes to deal with Ombudsman matters. I suggested to the Liberal members on the committee—the member for Scarborough Centre (Miss Nicholas) included—that they might ask their Liberal colleagues what they thought of the Sunday

shopping legislation and their experiences there, where they had introduced it and were now having to rescind it.

A number of the members of the committee took that opportunity. If the member did not, and did not want to listen to her own colleagues in other provinces, then I am sorry that she missed the experience. But some of the other members did hear from their colleagues.

I am glad that at least some of the other Liberal members were conscientious enough to ask, or at least that they stood still and listened as their Liberal colleagues told them exactly what they thought when I asked the question.

**Mr. Furlong:** Name names.

**Miss Nicholas:** You're making it up.

**The Deputy Speaker:** Order, please.

**Mr. Philip:** The Solicitor General says there were problems in the tourist exemption, but when she tabled the legislation, and indeed up until now, she could not name those municipalities where there are specific problems. The Association of Municipalities of Ontario asked her for the list. Finally, after tabling the legislation, she said, "Here are the municipalities that have used the tourist exemption," but she could still not tell us which of those municipalities had a specific problem.

We have legislation that is designed to solve a problem, and the minister cannot even elaborate where the problem is. Where are the municipalities where there have been major problems? Indeed, when the Association of Municipalities of Ontario asked the minister, "You claim that there are problems. We, whom you say are the grassroots and should best be able to solve problems, say to you we are willing to meet with you, we are willing to define the tourist exemption, we are willing to refine the regulations," she in fact refused their help.

This is the consultation where the government House leader is saying, "We have had hearings, we have consulted with the public and now we should go forward with the legislation." There was no consultation. We had hearings and the government did not listen. They introduced legislation without any kind of impact studies, without any kind of research, without being willing to look at other provinces where similar legislation had been introduced and had been an abominable failure to the point where it had been rescinded by Liberal governments in those provinces, let alone by other political parties.

So we get to the crunch, and the crunch is that the government cannot justify this legislation. It has not listened to the public. It has not listened to

the input from the various communities. It has ignored the wishes of small business. It has ignored the wishes of women's groups. It has ignored labour groups. There was not one labour group that said it was in support of Bill 114—not one person, let alone one labour group. Not one management group came forward and said it was workable.

They have ignored the wishes of consumer groups. They have ignored the automobile dealers in this province. They have ignored all of the church groups. They have ignored the Canadian Tire store operators and all of the various merchants like them who say it will mean higher prices and a lower level of service. They have ignored the grocery store owners who say that it will mean an increase in food prices of between five per cent and 15 per cent as a result of their overhead costs.

The only people this government seems to be willing to listen to are their friends, the Bay, and the Cadillac Fairviews of this world.

There is an interesting comment in a paper called *Save our Sundays*, and it says:

"Do the Liberals Care?"

"After working evenings and Saturdays, retail employees want to be with their families and friends on Sunday. For six weeks this summer, a committee of the Ontario Legislature toured the province to find out if Ontarians want Sunday shopping, but do the Liberals really care?"

"Your grocer, Canadian Tire store, lumber man, automotive dealer, Home Hardware, furniture store and jeweller made submissions; thousands upon thousands of retailers said no to wide-open Sunday shopping. Do the Liberals care?"

"The majority of Ontarians, senior citizens' groups, unions, faith communities, lifestyle groups are against the legislation favouring wide-open Sunday shopping. Do the Liberals care?"

"Over 95 per cent of the municipalities are against the local option. Think of it—95 per cent don't want Premier Peterson to force it on them. Is it fair? Is it democracy? Do the Liberals care?"

"Over 90 per cent said no to the government's plan to change the law; over 90 per cent. Do the Liberals care?"

"We trusted Premier Peterson. Before the last election he said, in response to the unanimous report of the all-party committee, 'The sense of the committee was that there was widespread support in Ontario for a pause day and I accept that advice.' Why have the Liberals broken their trust?"

"We have a Premier who lacks the political courage to make a provincial decision and washes his hands by passing it on to the municipalities, knowing the consequences.

"The Liberals claim to support a common pause day, but will their MPPs have the courage to vote against this bill or wash their hands of it as well? Do the Liberals care?"

I have been on the committee with the Liberals. They have listened but they have not acted. They have listened but they have not shown empathy with the public of Ontario. That is why we have this closure motion. No, the Liberals do not care.

1650

**Mrs. Cunningham:** It is with some regret that I find myself in the House today speaking to a motion that is, quite frankly, a motion the government of this province should not be particularly proud of. When we get into methods of curtailing debate and allocation of time orders, I think we are probably looking at a process that has been used some five times in the history of the province and, I would add, not proudly.

**Mr. Black:** All by Tory members.

**Mrs. Cunningham:** No, not all by Tory members; some by Liberals in the past. But in fact, the very first motion was by a Tory member. It was put forth during a very important time in our history, one the member for Muskoka-Georgian Bay would know well because he was at that time probably a superintendent with a school board in Ontario. He would have been very familiar with the Inflation Restraint Act, as it was something we had to consider very seriously in our teacher negotiations across the province. In itself, in the eyes of the government of that time, it was extremely important, not unlike this government at this particular point.

However, I mention that motion in the House today as an example of one the Liberals at that point in time were very much against when the government felt it was necessary for the first time in the history of the province. I am now talking about 1982 when a time allocation motion or a guillotine motion was brought before the House.

Trying to relate specifically to the order, I think we should know that in the Parliament of Canada this is a process that is used rather frequently and has been over the years, but in the parliament of Ontario it is not one that has been used very often at all. We look for parliamentary practices in documents that are considered to be, of course, the law. *Erskine May* is one that I think is well respected and is used in this House by the Speaker and by the clerks on a regular basis.



Under allocation of time orders or guillotines, it advises us, "In many sessions in order to secure the passage of particularly important and controversial legislation, governments have been confronted with the choice, unless special powers are taken, of cutting down their normal program to an undesirable extent, or of prolonging the sittings of parliament, or else"—I think this is the one that relates to this government—"of acknowledging the impotence of the majority of the House in the face of the resistance of the minority."

I think what has not happened here is that the government has not been able to work out a way of bringing closure to this debate and issue regarding Bill 113 and Bill 114. More importantly, when they did come to a closure motion, an allocation of time motion, a guillotine motion, they brought forth one that in the history of this province is unprecedented with respect to the democratic process and the ability of elected members who have not been on the justice committee to be able to come to this House and committee of the whole House, to speak to amendments that would make this bill one that would be acceptable to the public, one that would be meaningful and necessary to the province.

Instead, they have presented us with an allocation of time order that allows for some two days at one stage of hearings and another day at the other stage; that is, in committee of the whole House. Members elected across this province will have an opportunity of some two days—that is, perhaps four, four and a half or five hours—and at the third reading stage, on that sessional day, only one day, in order to respond to the bill itself, to bring their constituents' views forward and to speak to any amendments either the government or the opposition would like to present, which I think is the purpose of bringing a controversial piece of legislation like this Sunday shopping legislation before this House—so that people across the province can be included in the debate if they so wish.

Members should know that in the 26 days of public hearings, a few of those hearings were televised from this Legislative Building here at Queen's Park. I think it was some six or seven, perhaps more; I stand to be corrected. The point I am making is that the hearings took place during the summer months, that most of the hearings of course took place in other cities across the province and that the public were not always able to find out just how their own representatives felt on this legislation or to witness the role they could play.

**Mr. Haggerty:** I am sure it was explained very well in London.

**The Deputy Speaker:** Order.

**Mrs. Cunningham:** It was explained very well in London, thanks, quite frankly, to myself. I did not see that the Solicitor General or the Premier felt it fit to come to the hearings in London or to make their views known at the hearings, but they have done so in other ways. We should also know that the majority of the public are very much disappointed in the stand they have taken, and I say that with all honesty.

If we take a look at this allocation of time order or this guillotine order we are talking to right now, quite frankly, it can be easily observed by anyone that the three days, with some six or seven hours of hearings that can be public and in which all the elected members can take part, have been very carefully designed so that if every member were to speak one way or another to either piece of legislation, the maximum amount of time you would get from your elected representative, if we were to share the time equally among all 130 of us, would be three minutes.

This particular allocation of time order states that on two days at committee of the whole hearings and during one day at third reading stage, if everyone were to stand up and speak to what I think is one of the more controversial pieces of legislation that will have tremendous impact on the quality of life of families, and if they were to share the time equally, the elected person from your riding, who represents you, could in fact speak for three minutes.

Our question would be—

**Mr. Dietsch:** You know that isn't true. You never share time.

**Mrs. Cunningham:** That is the time. We are willing to share the time. I would be most happy, when I take my seat, to listen to a Liberal member speak to this piece of legislation. In fact, Ontario is listening very carefully to its elected members on this. I think people are noting that they are not taking their opportunity or taking their turn in this Legislative Assembly to speak to Bill 113 and Bill 114.

On the allocation of time order, I would expect that maybe the Liberals would stand up and talk about how much time has been wasted, because in the view of the Liberals, that is exactly what they think. They think the public that have come before the committee have been wasting their time. The Premier is on record talking about 55 days of wasted time; he talked about that. In fact, the words the Premier used were "ragging on for

55 days." That is easily looked upon by the public as disrespect for them and disrespect for the representatives they have elected to speak on their behalf. "Ragging on for 55 days" is the way the Premier looks at this motion.

One should know that I do not think we would have had to take so much time if the Liberal members of the committee had not been given marching orders. It is very difficult when you have been told just what to say in a paper distributed before the hearings started. "Answers to Questions You Might Be Asked," I believe it was called. It is very difficult then to speak freely.

#### 1700

When this motion is finally brought before the House, we are hoping we will see each Liberal member, during the three days, stand and speak. That will certainly be a request we will be making of the Premier, that everyone take his three minutes and speak on behalf of the constituents he represents. I challenge the members to do that.

As we move forward in this debate, obviously I am annoyed at the opportunity this large majority government has taken, quite frankly. In the words of Erskine May, this is a very serious procedure we are looking at right now:

"Orders made under this procedure are known as 'allocation of time' orders, and colloquially as 'guillotine' motions. They may be regarded as the extreme limit to which procedure goes in affirming the rights of the majority at the expense of the minorities of the House"—that is exactly what has happened—"and it cannot be denied that they are capable of being used in such a way as to upset the balance, generally so carefully preserved, between the claims of business and the rights of debate. But the harshness of this procedure is to some extent mitigated either by consultations between party leaders or in the business committee"—which we will not talk about right now—"in order to establish the greatest possible measure of agreement as to the most satisfactory disposal of the time available."

If there is some mitigation that can be attributed to the process here in establishing this motion, I have not been able to find it. How anybody could bring forth a motion that allows every member of this House just three minutes to speak to such a controversial bill and then blame us because they do not take the opportunity—I have been in this House speaking to Bill 113 when the Liberals, upon their turn, would not stand up and take their turn.

I can say that has been observed by all of the province of Ontario. They should sit up and take

their knocks because of it. As I said before, I am sure many of them will be saying goodbye to their seats. It is so sad because so many of them are capable of representing the people who have elected them. But nobody likes to think that people have to take their marching orders in this way. I will go back to that.

It is very interesting that when the first allocation of time motion was put, it was by the Honourable Tom Wells around a motion the member for Muskoka-Georgian Bay would remember very well, because it affected him considerably in his work. It was Bill 179. At that time, the Liberal Party's deputy leader, the member for Renfrew North, expressed concern about "so serious and so significant a new departure in terms of the way we have conducted ourselves in this Legislative Assembly for 10 these many years." That is what he said.

Those were made around Bill 179. Over the period of the allocation of time order, meaning the committee of the whole and the allocation of time, some eight or nine days were allowed in this Legislature for debate; not three days for two bills, but some eight or nine days for just one bill. Actually, it was in 1982. I could give the exact date. It was the very first time in Ontario that this process was followed, December 8, 1982. I am not sure of the date the guillotine motion was presented, but it will not take me long to figure that one out.

The most important part is that it was the present government House leader who was the most vocal in speaking against it, and that motion allowed for a significantly longer period of time for debate by the members at that time.

**Mr. Wildman:** And it was only on one bill.

**Mrs. Cunningham:** There were fewer of them and it was one bill, not two bills over three days.

If we are speaking to the topic today, that really is the issue. If that is the best the government House leader could do, then it is shameful in the history of the Legislative Assembly of this province.

I actually was asked to speak at the Commonwealth Parliamentary Association conference in Vancouver on this procedure, and I spoke with some degree of pride because Ontario has not seen fit frequently to interject into its proceedings any allocation of time orders. In fact, we probably stand as being the province with the best record. We should be very proud of that. At any time an order like this is put forth, a significant amount of time should be left for every individual to speak.



I understand the government House leader also stated, "I cannot believe we are seized in the winter of 1982-83 with some parliamentary crisis that forces us into a new avenue"—listen to this, Mr. Speaker, and do not smile, please; you are supposed to be extremely professional in your job—"down a slippery slope of time allocation, without which we have been able to function for the previous 115 years."

**Mr. Cureatz:** Who said that?

**Mrs. Cunningham:** The member for Renfrew North said that on February 15, 1983.

He goes on to say, "I really have to say that we must be protected from this kind of majority government stampede"—then he adds two words and I think these are the best two words for this government—"and arrogance." That is really what this all about.

We do not really want the House leader to take all of the blame, although I did have a lot of respect for him with regard to parliamentary procedures in this province. I know he takes his job very seriously and I know he speaks on our behalf, as a Legislative Assembly, across Canada from time to time. He is looked upon as one of the experts. I find it really hard to believe he could come up with, not so much the allocation of time order but the structure: three days, that is all, for two bills, and if everyone speaks, they will be allowed three minutes each.

We know the Liberals are not too concerned about that, because quite frankly they do not want to speak. I challenge the Liberals to come to our House leader and the House leader of the official opposition and give their names and we will graciously give them time to speak to Bill 113 and Bill 114. We know they will not do it, but I challenge them now. I think that would be a worthy challenge.

If they do want to speak during the time allocation, at either the committee of the whole hearings or third reading, we would welcome the opportunity for them to speak. I challenge them to do that. We will see how many of the 94 of them put their names forth.

**Mr. Cureatz:** Some 32 Liberals.

**Mrs. Cunningham:** Well, even to speak. Let them speak against the bill or for it; we do not care.

The Premier of this province also has his opinions on time allocation. During the very first time allocation motion that was put, around the Inflation Restraint Act, he too felt the need to speak to it. He felt very strongly and this is what he said:

"I have the right to pursue the most vigorous opposition that I can pursue, and the longer I am here the more I believe very strongly that the opposition"—Mr. Speaker, listen to this—"is the only thing that stands between government and the sheer, naked use of power." The Premier of the province has certainly changed, has he not? He certainly does not believe that any more. "It is the only check we have in the system and I believe it is our responsibility to exercise it in as responsible a way as we can."

That was from Hansard of December 8, 1982.

As the members of this House know, we receive numerous letters on a daily basis in our office around Bill 113 and Bill 114. There is no way that I have even tried to read any of these letters in the House; I think it is a waste of time and I do not think that was the intent of many of the letters. The petitions, yes. But going over the mail just yesterday to take a look at these few letters I received in the last two days, I think it is very interesting how they relate to this allocation of time and the very reason we are here for this debate.

The first one is a copy of a letter, quite frankly, from the Lumber and Building Materials Association of Ontario. It was sent to the Minister of Municipal Affairs (Mr. Eakins) on January 11, and I received a copy of it yesterday.

**1710**

It is a typical letter. I did not pull it out for any reason except it happened to be in my file last evening as I was looking at my mail. This is a brief opposing Sunday retailing legislation to the standing committee on administration of justice, and this is a letter following the hearing.

What they are trying to say in here is that they made many suggestions for improvement in the bill. Somewhere along the way in this letter they say: "Whether these suggestions have merit or not, the point is that by unilaterally scrapping the very essence of the Retail Business Holidays Act, the provincial government will be giving the terms 'panic' and 'knee-jerk reaction' new meaning."

This is the response of that particular group, the Lumber and Building Materials Association of Ontario. We talk about real people and how the government does not listen to people who come before committees because they are not the real people. All of the letters that I have are from people who have not made presentations to the committee, and these people are real people. It really bothers me. That is the tone of the letters.

The next one is from the Association of Municipalities of Ontario. They felt a need to

write in very late December. Again, I was copied on this particular letter and, of course, it was sent to the Solicitor General. It was from Stephen Clark who is just filling an interim position. He is the mayor of Brockville and the president of AMO.

"At a recent meeting of the board of directors of the Association of Municipalities of Ontario, I was elected to fill the vacancy in the office of president to complete the term of Michael Power, former mayor of Geraldton."

If I use the incorrect terminology, I am always ready to correct it, so now we have it on the record.

"As president, one of my first tasks arises out of the December meeting of the board of directors. The board of directors had before it an excerpt from the Ontario Hansard dated October 18, 1988, in which you stated: 'The Association of Municipalities of Ontario specifically refused to discuss anything because it considered it a letting down of its position. It still has not come forward with any positive suggestions.'" Okay, that was in Hansard, and that was the Solicitor General making those statements.

Now we have the chairman, Stephen Clark, of the Association of Municipalities of Ontario speaking: "The board of directors, which comprises 78 persons from across the province, took exception to this comment. It directed that I write to you for the purpose of the record and recall to you that the association has on several occasions requested yourself and the government of Ontario to join together with AMO and other interested groups to address the question of the tourist exemption."

That is why we are all here. It is because this government does not know how to consult. They do not know how to go out and say, "Help us solve the problem." Because they do not want help in solving their problems, they just pass the buck to the municipalities and let them do it, at the expense, I must say, of thousands of people across this province who will be forced to work on Sundays. That was the second letter that I looked at.

**Mr. Cureatz:** I hope you have more.

**Mrs. Cunningham:** Well, I mean, I opened the book. Truly, this is what was in my reading file last night.

**Mr. Cureatz:** That is not even fan mail. That is just about Sunday shopping.

**Mrs. Cunningham:** No, I can tell the House this certainly is not fan mail for this large Liberal government that does not know how to listen.

This one is from the chamber of commerce. My point in raising this is that we are talking about democracy here. A guillotine motion is not even part of our procedures here in this House. A special motion has to be made and it has been used only some six times in the province in 135 years. The House leader was the one who disliked it the most, and the Premier disliked it just as much, so members can imagine.

Anyway, because we are, as political representatives of our community, asked to read petitions from time to time, and we have read the petitions, the one thing that the public may not understand is that there have been literally thousands of letters sent to Liberal members that cannot come before this House because, quite frankly, there is no way for them to bring them to our attention if they have not been properly constituted in the form of a petition. What the public should know is that the Cambridge Chamber of Commerce and many more groups across this province have sent cards that say, "We are completely opposed to your intention to make municipalities responsible for administering the Retail Business Holidays Act."

These have gone to the Premier's office. When we talk about what we do know about opposition, there is probably an awful lot we do not know because I cannot imagine the Premier bringing in these cards or showing the public or the press the kind of opposition he is truly getting.

The other complaint that we had in our mail, and this one is dated January 9, is from the regional municipality of Peel. What we are talking about here is a lack of leadership, a total lack of leadership.

**Mr. Cureatz:** Who are the Liberal members from Peel?

**Mrs. Cunningham:** Okay? It is titled Passing the Buck. It is a letter written to the Premier, of which all of us received copies, which all of us obviously are going to read.

**The Acting Speaker:** Order, please. The member for Muskoka-Georgian Bay on a point of order.

**Mr. Black:** I have a great interest in the words of the member for London North. I have been sitting here listening attentively to what she is saying. Unfortunately, she keeps being interrupted by interjections from the member for Durham East (Mr. Cureatz) and I cannot hear what the member for London North is saying because of those repeated interjections from the member who is not sitting in his own seat.

**The Acting Speaker:** The member for London North has the floor and is entitled to speak



without interruption from any member of the Legislature.

**Mrs. Cunningham:** I find it very interesting that the member for Muskoka-Georgian Bay should make that comment considering the interjections that I have to listen to usually on a regular basis from his seatmate from Durham-York (Mr. Ballinger), so I cannot imagine this even being a topic of discussion.

**Mr. Cureatz:** Oh, shame. I am embarrassed now.

**Mrs. Cunningham:** I think I am going to have to repeat what I have said so far in the House in the last 20 minutes because the House leader just arrived—

**Mr. Cureatz:** Yes. The House leader missed it. Read the part where he hates time allocation.

**Mrs. Cunningham:** He is the very first person who needs to be educated around a good time allocation motion and this is the worst one that we have been faced with, I must say that. It is not fair.

I am going back to the regional municipality of Peel. I am talking about democracy here, and I think when one has been given such a huge mandate as this huge, majority Liberal government, that the one thing the public did expect is that they show leadership.

The regional municipality of Peel would not agree with the interjections from, I believe, the member for Muskoka-Georgian Bay. It says here, "The jurisdiction that Bill 113 thrusts into the hands of our region is neither wanted nor needed." It says, "The jurisdiction thrust into the hand of our region"—the municipality of Peel—"is neither wanted nor needed." That is a fact.

"Moreover, the extension of Sunday shopping beyond that which is permitted by the existing legislation will impose a new burden upon the resources of the region and its area municipalities without in any way providing for the resources needed to meet such demands."

It would not be proper for me to start relating all of the other costs that have been forced back to the municipalities, because I am trying to stay on topic about this allocation of time order. I should add that quite frankly, I really admire the municipalities that have taken the time at their council meetings where they have very important things to discuss—they have tremendous issues locally, and people are elected to make decisions. They have to take time out of their regular hearings to talk about this ridiculous piece of legislation that is neither wanted nor needed by anyone in this province.

**Mr. Dietsch:** What about Sault Ste. Marie?

**Mrs. Cunningham:** Sault Ste. Marie is a tourist area. I do agree that tourist areas should be allowed to be open on Sunday. I agree with the present legislation and I do not see why they have to fix it.

## 1720

There were some questions around tourist area and the people from Sault Ste. Marie when we were up there speaking, their chamber of commerce and their local business improvement area volunteered to assist the government in the definition of tourism, as did hundreds of other persons who appeared before the committee. We know because we asked the question. So Sault Ste. Marie, quite honestly and openly, and quite properly, is open—it would be an area which is considered tourist—and it does work. The present act, in fact, does work.

On the recommendations for change, the amendments which have been put that we agree to, we really do think it was a good process for increasing fines and also for giving the government more power in injunction. We also think that if we had looked at the definition of tourism and polished it up with the assistance of the chamber of commerce and the local business improvement area of Sault Ste. Marie and others, we would probably be in a very good state right now.

I do believe in local autonomy, I really do, but I also believe in leadership. This bill is not about local autonomy; it is about leadership. I will say right now that this government is showing a lack of leadership in many areas, but especially in the Sunday shopping legislation.

In a letter to me, Black Photo Corp. says: "Bills 113 and 114 are a direct assault on the quality of life in this province. These bills will do nothing to enhance family values. The family is already being undermined. It will be further weakened by the loss of a common pause day." This is from Black Photo Corp. For the people watching at home, they should know we are talking about this big Liberal majority government's lack of leadership around Bill 113. "Government should not be sacrificing retail workers and small business people on the altar of greed." I do not like to be accused of holding up the House, but this debate is quite in order. "Your party's opposition to a local option is to be commended. I would urge you and your caucus colleagues to use every legitimate parliamentary tactic to oppose the passage of the Peterson government's Sunday shopping legislation.

Thank you very much. Black Photo Corp., January 12, 1989." These all came in this week.

Since the House leader is here, I hope he will listen very carefully. In fact, he may even go back to the drawing board, because he will go down in history. He is already down in history. He is in history as opposing the very first time an allocation motion was ever put before this House. That one allowed for seven days of debate at both the committee of the whole and the third reading stages of the bill, and it was one bill, Bill 179, the Inflation Restraint Act, which, by the way, caused us a lot of trouble for school board trustees; of course, it caused my friend the member for Muskoka-Georgian Bay, who was a superintendent at that time, a lot of difficulty, too.

On the other hand, the House leader made some wonderful statements. I wish he had been here earlier. Would it be out of order for me to tell the House leader what he said? It should go down in history. I will be repeating myself, which I do not really want to do, however, "I cannot believe we are seized in the winter of 1982-83 with some parliamentary crisis that forces us into a new avenue"—I like this part; he was so young in 1982-83—"down a slippery slope of time allocation, without which we have been able to function for the previous 115 years."

This man could be historic; he could be remembered always. But he could not even come up with a time allocation motion as good as the one he was speaking against; one that allowed for six or seven days of hearings in this House for one bill. I am very disappointed in the House leader.

**Mr. Cureatz:** He must have said something else.

**Mrs. Cunningham:** Oh, he said lots.

This letter is dated January 12: "The Ontario and Toronto Automobile Dealers Associations oppose the passage of Bill 113." This is actually directed to the Liberal House leader, because there is a reason we should have more time to be speaking in this House and it is this: there are 130 of us and if we take the time allowed, we will not have sufficient time to put forth amendments that everyone can speak to. I have divided up the time fairly and the Liberal House leader should know that everyone will have three minutes to speak over three days to two bills. We have invited all of the Liberals to speak to the Conservative House leader and the New Democratic Party House leader and let us know when they want to speak. We will be happy to slot them in for even more than three minutes.

This is the reason we need more time. It was our objective to have an amendment to Bill 113, which would prohibit the sale of automobiles on a Sunday or holiday, as now exists in some 30 states of the US. They want an amendment that would prohibit these stores from opening. Do you know, Mr. Speaker, that the Liberal members of the standing committee on administration of justice voted against the amendment? They wanted, in fact, to extend it. I believe we should put this amendment forth during the three days and the Liberals should be speaking about how they want car dealerships to open on Sundays. All right. We are coming to the end.

The Ontario Convenience Store Association also talks about amendments. "The Ontario Convenience Store Association would like to bring to your attention two very important recommendations which we made in our brief to the committee and which were not addressed by the amendments made to Bill 113." It is talking here about the right to an independent appeal, which we did not speak to, and it is also talking about Bill 113 being amended—and this is very important, and we have not looked at it yet, and we should; we should be looking at this in the committee of the whole House—"to include a grandfather clause excluding small stores and convenience stores from the provision which would allow municipalities, in fact, to close any retail establishment on any holiday."

This is from a group of convenience stores that have been willing to support the public over hundreds of years in this province by being open. They are very small stores. They are a part of the present legislation. Under the new legislation, in fact, they could be closed by their municipalities. No leadership.

The very last one; here we go. Free votes. This is from January 19, 1989. This is to the member for Cochrane South (Mr. Pope), actually, and copied to me. "Watching you on TV Sunday, I could not help being shocked when the member for London North brought up regarding members from Mr. Peterson's caucus being afraid to vote for their constituents. Peterson laughed in her face." I cannot believe he did that, but anyway, in the eyes of the public, that is what is happening. Far be it for me to judge the way the government responds to my important questions in this House. "Please see she gets the clippings from the Guelph paper. These may make Mr. Peterson laugh on the other side of his face." That is from a real person.

**Mr. Cureatz:** What did the Guelph paper say?



**Mrs. Cunningham:** I do not like pointing fingers.

**Mr. Cureatz:** Just read the headline.

**Mrs. Cunningham:** I think it was the member for Guelph (Mr. Ferraro) who was shrugging off criticisms for having two views, personal and political, on the extension of Sunday shopping. "Liberal MPP"—and I will not say the name because it is not proper—"said Monday that it would be totally irrational to stand up for his personal conviction at Queen's Park and go against party policy." I would like, in fact—

**Hon. Mr. Conway:** Now let's go to Hy and Zel's.

**Mrs. Cunningham:** Hy and Zel's is not the issue. That is what the Liberals want to make the issue. The issue here is Sunday shopping and an extension of Sunday shopping. No one, members of the opposition party or members of the government, agreed with the brief from Hy and Zel's. Let's get that one straight right now. We had a lot of sympathy for them. In fact, I thought they were just terrific. I liked Mr. Hy and I liked Mr. Zel. I did not approve of their position, but that is beside the point.

**Hon. Mr. Conway:** I thought you were the friend of the big drugstores, Dianne.

**An hon. member:** Are you in the back pockets of the big drugstores?

**Mrs. Cunningham:** Clouding the issue around back pockets and drugstores is ridiculous. This debate today is about democracy. What we are talking about here is a government that introduced a piece of legislation that will affect people's lives for ever. What we are also talking about is a government that did not listen to the public and that is now trying to force a piece of legislation through in three days in this House so that every member will have three minutes to speak.

I challenge the government. I do not think the Liberals will take their three minutes and we will be reporting back accordingly. During the next election, I hope they get what they are due. If they do not stand up and speak, I hope they are recorded in this House as having been in favour of the legislation, because that is the way the public ought to read it.

1730

It is with regret that I find myself in a position to have to speak to this motion. I would like to close with a quote today from Erskine May. This is especially for the House leader and relates specifically to his government:

"Governments have been confronted with the choice,"—I am now talking about controversial legislation—"unless special powers are taken, of cutting down their normal program to an undesirable extent, or of prolonging the sittings of Parliament, or else of acknowledging the impotence of the majority of the House in the face of the resistance of the minority."

It goes on to say about the orders:

"They may be regarded as the extreme limit to which procedure goes in affirming the rights of the majority at the expense of the minorities of the House, and it cannot be denied that they are capable of being used in such a way as to upset the balance, generally so carefully preserved, between the claims of business and the rights of debate."

That is what this particular debate is all about. I think the House leader could have put forward a more fair motion and I feel very badly that he will go down in history as a person who thinks this Legislature should have only six hours to debate two bills and that 130 members will have, if the time is equalized, three minutes each to speak.

**The Acting Speaker:** Are there any other participants in the debate?

**Hon. Mr. Conway:** Was the member's homily at the Stratford Central United Church of this kind?

**The Acting Speaker:** The member for Renfrew North will yield the floor to the member for Cambridge.

**Mr. Farnan:** The moment of truth has arrived. The Liberal government's lack of accessibility will clearly demonstrate that what we have now is an arrogant and insensitive government, out of touch with the people of Ontario. Before examining the events that have surrounded the Sunday work legislation over the last several months, I invite the viewing audience, I invite the people of Ontario and indeed I invite my honourable colleagues to cast their minds back to those lazy, hazy days of the summer of 1987. I would like to recall the image of open, accessible government that was presented to the people of Ontario.

The people of Ontario will recall the member for London Centre (Mr. Peterson) mingling with the crowd, sleeves rolled up, tie undone, reaching out across the barriers, touching hands and listening. It was very much a Hollywood package, a package of an open, accessible candidate for Premier of the province presenting what he promised, an open and accessible government. Indeed, during his very first days there was a wonderful, symbolic gesture in

which the Premier opened the doors of the Premier's office to allow the media to come in, to allow the public to come. Again, it was to project to the people of Ontario that indeed we were heralding a new era of open and accessible government.

The reality of the matter, my friends, is that there was no new era. The people of Ontario were deceived; they were taken in. First, they were taken in by a temporary openness forced on the government during minority government, an openness that the New Democrats insisted upon. Second, they were taken in by the false sense of hope for greater openness, a major Liberal campaign theme given to the voters in September 1987. It is a theme that we can look back on now in the light of events that have surrounded the issue of Sunday work and say the people of Ontario were taken in.

I want to compare those promises of open, accessible government with what transpired following the election. I was a new member. As a new member, I was somewhat surprised very early on in the government's mandate when the Solicitor General rose in the House and said that Bill 113 and Bill 114 were being brought forward and that indeed the essence of the bills was the municipal option. Only one week prior to her introducing these bills in the House, she had referred to the municipal option as the chicken way out.

As a new member, I was somewhat surprised. I thought there was some correlation between what a political party said when it was seeking election and what it would do after an election. A couple of very short months later, the new Liberal government, which had projected itself and portrayed itself as heralding in a new era of open and accessible government, had flip-flopped on the issue of open Sunday shopping, presenting a position that it did not have during the election.

Immediately following this, as members will recall, both the opposition parties, the New Democrats and the Progressive Conservatives, forced the government to take this matter to public hearings. Obviously with the numbers that existed in the House—I believe 95 Liberals at the time and 35 opposition members—the only hope that we had of changing the direction that the Premier and the Liberals were taking us in was to force these bills out to public hearings and to hope that the voice of the people of Ontario would be listened to. There was no hope that the opposition's combined vote of 35 could defeat the position of the government, so we forced the

government to go out and listen to the people of Ontario.

It was bad enough that this legislation represented a broken promise. We all recall the Premier during the course of the election stating very clearly: "We favour the recommendations of the select committee. We are in favour of a common pause day." Yet remarkably he leads a government that is going to undermine a common pause day in Ontario and had to be forced to take that legislation out to the people of Ontario. That is a remarkable transformation. As a new member, I had to sit here and wonder: Why did the Premier do this? Why did the Premier change his mind on this? Where did the idea come from?

Who was the Premier listening to? Was it the retail workers the Premier was listening to? No. Was it the small businessmen of Ontario? No. Was it the municipalities of Ontario that the Premier was listening to? No. Was it the church groups of Ontario that the Premier and the Liberal government were listening to? No.

Was it the Liberal Party that the Premier was listening to? That is an interesting question. Was it the Liberal Party? Maybe this idea had germinated within the Liberal Party and the Premier had an obligation as the leader of the Liberal Party to take this idea, to bring it forward and work it through legislation. But you go to the Liberal Party and you do not find this issue debated. You do not find a policy position on this issue in the Liberal Party.

#### 1740

As we toured the province, one of the delegations that appeared before our committee included Sylvia Sutherland, former executive vice-president of the Liberal Party of Ontario and mayor of Peterborough. She said: "I feel disappointed and I have been becoming increasingly more frustrated. As far as I understand, the party had opposed opening on Sundays."

It came as a total surprise. There was no consultation. There was no consultation with the people of Ontario. There was no consultation within the Liberal Party, and yet the Premier and the Solicitor General stood up and said, "We're going to go ahead with this Sunday shopping, Sunday work legislation."

Who, we ask ourselves, is the Premier listening to? With whom did the Premier have consultations? With none of the groups that I have spoken about. Not even with the Liberal Party itself. Who is the Premier listening to?

When we get down to the bottom line, the Premier is listening to his big business friends. I



say to the viewing audience that is watching our proceedings tonight, there is no difference when you look at the issue of auto insurance or the issue of Sunday shopping. The Premier is listening to his friends. Is this then the openness and accessibility that the Premier was talking about during the summer of 1987?

As a member of the standing committee on administration of justice, I had the opportunity to be involved with this issue from the moment it was raised in the House and I participated in the public hearings that followed. I want to draw attention to a couple of statements that were made during the course of the public hearings. This was at the time a committee was touring the province. We were going to Collingwood, London, Kingston, Peterborough, Windsor, Brantford and St. Catharines.

Obviously, the purpose of the committee was to go out and listen to the people of the province, and yet the Solicitor General, who is responsible for carrying this bill, had this to say, "The local option clause is strictly non-negotiable, regardless of what the all-party legislative committee decides."

At the very moment we were listening to the people of Ontario on that particular item, which is the essence of the bill—in the words of the Solicitor General herself, the municipal option is the essence of the bill—the Solicitor General was saying, "Regardless of what the all-party legislative committee decides, the local option stays."

Then there were the comments of the Premier. Again, as the committee was sitting listening to the people of Ontario, he had this to say. The Liberal government would not water down legislation forcing local councils to settle the Sunday shopping debate, despite mounting opposition. He was correct, there was mounting opposition.

I started off by touching base with the people of Cambridge; and every sector of the community, the most extraordinary political alliance that I ever witnessed in my career, was represented there in Cambridge. Small business, retail workers, church groups, women's groups, municipal politicians; all the sectors of the community were saying, "No, we want the common pause day."

As I toured the province, what I found was that Cambridge was a reflection of the mood in the province as a whole; indeed, the people of Ontario as a whole were saying, "We want the common pause day."

The Premier was correct, there was mounting opposition; and despite the mounting opposition,

the Premier said the Liberal government would not water down this legislation forcing local councils to settle the Sunday shopping debate.

A very interesting event took place when we visited the city of London. In London, one of the members of the committee was the member for Middlesex (Mr. Reycraft). He substituted on the committee that day. He is the member for Middlesex and I suspect wanted to be present. He said something that really caught my attention.

He was asked very directly by a person making a presentation if the government members were listening and he was asked whether they would support what the people were saying. The member said—and the words are emblazoned in my mind; I wrote them down at the time and I have used them over and over again—"No responsible member of parliament, no responsible member of a committee, will judge the outcome of the proceedings of this committee while the committee is still in progress."

I admire him for those words, because that is the way it should be. No member of parliament has the right to make a prejudgement on the outcome of the committee hearings. Yet we had the Premier of Ontario saying, "We will not water down the legislation." We had the Solicitor General saying, "The municipal option is non-negotiable." All these things were being said while the committee was in progress.

The Liberal members of the committee whom I worked with through those months and whom I came to admire, because I think we become good friends as we travel on a committee, were somewhat in a straitjacket. Prior to the beginning of the hearings—and the people of Ontario will want to know this—before we went on the road, each member of the Liberal Party who sits in this House was given a package. It was a package which said: "This is the speech you are to make on Sunday shopping. This is the letter you will write to a constituent on Sunday shopping. These are the answers to the questions that you will be asked on Sunday shopping."

Therefore, what you had was a Premier and a Solicitor General who were prejudging the final outcome of the committee and who were actually—this package was prepared by the Solicitor General's office—directing all the members of the Liberal Party to respond in a particular way whenever the issue of Sunday shopping came up.

It is true that as we went from city to city the opposition mounted, so a defensive mentality began to develop, both at headquarters here in Toronto and among the committee members on

the road. The Solicitor General had this to say, "Who do you expect to come forward to the committee except the people who are opposed?"

Interestingly enough, we had some 529 presentations, I believe, opposed to the legislation and nine in favour—520 in favour and nine opposed to the legislation. I will try that again; we will get it right. We had 529 people who were opposed to the legislation and only nine who were in favour. Yet the Solicitor General says here, "Who do you expect to come forward to the committee except the people who are opposed?"

1750

I suppose we could carry that to its logical conclusion. We have the government now saying: "What do you expect of the opposition members? They're going to vote against it. What do you expect?" To follow that to its logical conclusion, what do you expect of the 94 Liberal members but that they will support the position taken by the Premier and the Solicitor General, positions that were taken after the election and not before the election?

I go again to statements that were being made as the Liberals became increasingly aware that they were under attack. At this time, there were probably about 100 briefs presented. We were in Peterborough at the time and the member for St. Andrew-St. Patrick (Mr. Kanter), the parliamentary assistant to the Solicitor General, had this to say: "Of the 100 or so briefs we have heard in these two weeks, there have only been a handful of people with real interest, who are not reading from a prepared script."

Can you imagine, Mr. Speaker, the parliamentary assistant, who was the Solicitor General's representative on the parliamentary committee, saying that people, because they were reading from a prepared script, were somehow less worthy than people who were giving an off-the-cuff presentation?

I will remind all the members of this House that the member for St. Andrew-St. Patrick rose in this House only two days ago and directed a question to the Minister of Consumer and Commercial Relations (Mr. Wrye), and, in a 90-second question read from a prepared script.

The reality of the matter is that people read from a prepared script because they had put a lot of thought, a lot of effort, into preparing their brief to the committee. They wanted to present that brief on behalf of a large group. Sometimes they were speaking on behalf of tens of thousands, hundreds of thousands of people. When you speak on behalf of 10,000 or 80,000 people, you do not have the liberty of deviating

from the brief in an off-the-cuff fashion. I would say to the parliamentary assistant in this case that these people were representing very correctly the views of the people who brought their messages forward.

The parliamentary assistant went on to say, "It is unfortunate that more real people, particularly consumers, haven't made submissions." The people who are watching our proceedings tonight who are retail workers, who are small businessmen, who are churchmen, who are municipal politicians, who belong to women's groups, who are children who appeared before our committee, are all real people, I remind members that 529 delegations representing real people came before the committee and nine came forward in favour of the legislation.

Obviously, in the mind of the member for St. Andrew-St. Patrick the nine who came forward in favour of the legislation are real people. The 529 briefs that were presented by individuals representing groups of 10,000—hundreds of thousands of people—were not real people because they were not reflecting the view of the government.

It is very true. The Premier was right. There was mounting opposition, but he was telling the troops: "Be tough. Hang in there. Your leader has spoken. I don't want any cracks in our armour. I don't want anybody speaking out of turn. You've all been given your package. You know what to write in the letter. You know what speech you have to make. You know the answers you have to give to questions. You don't have a personal view on this. You have a government position that has been clearly annunciated and we expect you to toe the line."

To the credit of the Liberal members, I have to say to them, to each man and a woman, they have been good soldiers. They have not deviated from the course set for them by the Premier, by their House leader and by their whip. Not one crack has appeared in the ranks of the loyal Liberals who await promotion to the cabinet or maybe even the plum of being a parliamentary assistant. It is a sad reflection that the people of Ontario are being hung out to dry by the aspirations and hopes for a parliamentary position—a parliamentary assistant position for a Liberal backbencher.

I want to continue by demonstrating or recalling for the people of Ontario an example of the extreme heavy-handedness with which this government has manipulated this situation. I came back to the House after the hearings and the voice of the people of Ontario had told me there was widespread support in opposition to this bill.



Members will recall I brought forward a private member's bill. It was a very simple bill. That private member's bill said members would sit on Sundays for a period of time until we dealt with this legislation and brought it into law.

The purpose of my private member's bill was very simple. I simply wanted all the members of this House to have the opportunity of knowing what it is like to work regularly scheduled Sunday shifts. Some members of this House, indeed Liberal members on the committee, said, "But we work on Sunday." Let me tell them it is different being the honoured guest at a community picnic. It is a very different ball game when you have to work regularly scheduled shifts that are disruptive to your family.

What happened to that private member's bill? What happened was this: It was defeated, 67 votes to 23. I will remind members how it was defeated. It was defeated on first reading. For the first time in the history of this House, for the first time in the history of this government, a private member's bill was defeated on first reading and we were not allowed to have a debate on that issue that the government work on Sundays.

Why? We were not allowed to have a debate because the government is extraordinarily embarrassed; and it should be embarrassed. The government says: "We are going to pass legislation that will make retail workers work on Sunday. We are going to pass legislation that will make a host of other people work on Sunday. But we want you to know we are not going to pass legislation that will make MPPs work on Sunday. Not only are we not going to pass legislation that will make MPPs work on Sunday; we are not even going to debate the idea."

The government was extraordinarily embarrassed. Out there in the community, there was a sense of hypocrisy. We had a government that was prepared to pass legislation that would force ordinary Ontarians to work, and at the same time a government that said: "It is good for you. You want to work on Sundays, but MPPs are not prepared to work on Sundays."

I want the people of Ontario to know that in the vote as to whether or not members should work on Sundays, every single vote cast against that bill was cast by a Liberal and every vote in favour of the bill was cast by a New Democrat or a Conservative. Not even for a short period of time, just to experience what it would be like to

work on Sunday, were the Liberals prepared to go through that experience, and yet they were prepared to pass the legislation that would force ordinary workers.

Before I conclude my remarks I want to say I believe that as a symbolic gesture I am going to move another private member's bill this week. It is a very simple bill. I am going to move that a special sitting of the assembly take place on a Sunday following the closure of the debate on the Sunday shopping bills and that these bills be introduced on a Sunday and passed on a Sunday so that the people of Ontario will see very symbolically that we came to work on a Sunday to pass legislation that will keep them at work on Sundays, perhaps for the rest of their lives.

On motion by Mr. Farnan, the debate was adjourned.

### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** It being Thursday, and pursuant to standing order 13, I would like to indicate the business of this House for the coming week.

On Monday, January 30, we will continue with the debate just adjourned by my friend the member for Cambridge (Mr. Farnan) on government notice of motion 20.

Pursuant to discussions of the House leaders today, there is an expectation that we will conclude the debate on government notice of motion 20 on Monday. Assuming that is the case, it is our plan to take the vote on government notice of motion 20 on Monday.

Should any time remain between the conclusion of that debate and the taking of the vote, we have by agreement decided, as time permits Monday, to continue with the adjourned debate of Bill 187 and, time permitting, with the second reading of Bill 149, Bill 169, Bill 192, Bill 197, Bill 134 and Bill 135.

Assuming that the division is taken on government notice of motion 20 on Monday, then on Tuesday, Wednesday and Thursday of next week, we will consider Bill 113 and Bill 114 in a timetable that is consistent with that set out in government notice of motion 20.

On Thursday, in the morning, we will deal with private members' public business standing in the names Mr. Campbell and Mr. Neumann.

The House adjourned at 6:03 p.m.

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## GOVERNMENT ADVERTISING

**275. Mr. Brandt:** Would each minister provide, for each daily newspaper in the province of Ontario, the total moneys expended by his/her ministry in each of the following categories: (1) personnel advertisements, (2) program announcements, (3) ministry notices and (4) other advertisements, for each of the following periods: (a) October 1, 1985, to March 31, 1986; (b) April 1, 1986, to March 31, 1987; (c) April 1, 1987, to September 30, 1987; and (d) October 1, 1987, to March 31, 1988? [Tabled May 30, 1988]

**Hon. Mr. Elston:** For each minister to provide the information in the detail requested would be extremely time-consuming and would cost in excess of \$230,000. In view of this, the attached data is being provided on behalf of all ministries, and it has been compiled from the records of the Advertising Review Board. The information covers the expenditures by each ministry on advertisements, notices and announcements made in provincial daily newspapers for each of the fiscal years 1985-86, 1986-87 and 1987-88.

## Government of Ontario

## Provincial daily newspaper spending

Ministry or agency	Fiscal year 1985-86	Fiscal year 1986-87	Fiscal Year 1987-88
Agriculture and Food	374,889.46	5,180.22	38,455.71
Attorney General	57,130.84	64,487.03	59,263.16
Citizenship and Culture	0.00	106.42	0.00
Colleges and Universities	0.00	0.00	15,619.74
Commercial Registration Appeal Tribunal	0.00	1,849.26	(60.17)
Community and Social Services	7,845.60	22,294.18	45,932.73
Secretariat for Social Development	1,100.58	0.00	0.00
Consumer and Commercial Relations	127,588.95	28,580.24	801.17
Correctional Services	3,080.49	0.00	0.00
Education	40,938.35	0.00	34,256.14
Education and Colleges and Universities	0.00	44,832.95	0.00
Energy	155,321.36	90,886.85	71,183.46
Environment	92,998.83	85,379.57	204,512.02
Financial Institutions	0.00	9,578.96	8,436.20
Francophone Affairs	0.00	405.52	220.71
GO Transit	46,281.02	94,815.39	151,967.64
Government Services	101,743.98	161,706.09	196,578.06
Health	62,613.55	98,269.18	137,398.60
Honours and Awards Secretariat	0.00	51,970.23	25,736.17
Industry, Trade and Technology	47,883.71	302,557.11	345,399.19
Intergovernmental Affairs	15,032.40	9,410.36	20,503.36
Labour	94,281.05	96,126.72	77,726.67
Legislative Assembly	9,925.28	172,009.86	159,086.94
Liquor Licence Board	0.00	103,924.00	129,973.63
Management Board of Cabinet			
Freedom of Information	0.00	0.00	17,866.59
Advertising Review Board	13,268.42	52,150.60	19,295.12
Human Resources Secretariat	15,978.47	33,851.76	111,168.95
Municipal Affairs and Housing	456,889.60	632,817.48	185,751.34
Natural Resources	197,462.95	113,768.66	111,389.07
Northern Affairs	10,987.45	0.00	0.00
Northern Development and Mines	1,595.25	24,142.78	25,195.97



## Provincial daily newspaper spending

Ministry or agency	Fiscal year 1985-86	Fiscal year 1986-87	Fiscal Year 1987-88
Northern Ontario Development Corp.	1,921.46	0.00	0.00
Office for Disabled Persons	0.00	0.00	75,420.00
Ontario Centre for Advanced Manufacturing	0.00	42,956.16	(1,178.00)
Ontario Electoral Office	705,839.37	51,282.55	1,019,632.71
Ontario Energy Board	6,361.39	25,941.81	893.47
Ontario Health Review Panel	0.00	11,871.56	0.00
Ontario Heritage Foundation	0.00	0.00	57,825.95
Ontario Northland Transportation Corp.	78,289.45	83,395.25	83,432.89
Ontario Nuclear Safety Review	0.00	2,150.00	1,500.70
Ontario Place Corp.	328,295.78	386,885.38	483,777.73
Ontario Science Centre	33,508.64	129,084.56	75,027.91
Ontario Waste Management Corp.	40,918.64	3,429.93	(322.71)
Ontario Women's Directorate	173,958.40	2,682.72	266.35
Pay Equity Commission	0.00	0.00	74,189.30
Revenue	137,730.32	120,041.62	258,060.80
Royal commissions	4,974.26	0.00	0.00
Royal Ontario Museum	0.00	0.00	160,289.94
Skills Development	228,513.36	359,571.90	324,521.58
St. Lawrence Parks Commission	6,578.46	0.00	64,667.04
Stadium Corp. of Ontario Ltd.	0.00	3,280.00	0.00
Standing committees	79,783.94	(14.99)	0.00
Task forces	0.00	31,792.63	11,767.80
Tourism and Recreation	786,853.58	1,860,238.59	2,186,089.57
Transportation and Communications	63,114.48	38,104.88	36,715.98
Treasury and Economics	4,013.96	0.00	0.00
<b>Total</b>	<b>\$4,615,493.18</b>	<b>\$5,453,795.97</b>	<b>\$7,106,237.18</b>

## CONTRACTING OF HOSPITAL SERVICES

**336. Mr. Reville:** Would the Minister of Health provide details of contracted-out management, linen, dietary, housekeeping and maintenance services in Ontario hospitals for the current and previous three fiscal years? [Tabled June 20, 1988]

**Hon. Mrs. Caplan:** The Ministry of Health is not responsible for contracting out services for Ontario public hospitals and therefore information of this nature is not readily available.

## PRESCRIPTION DRUGS

**382. Mr. Reville:** Would the Minister of Health provide, by dollar amount and by specific drugs, those androgens provided through the Ontario drug benefit program? [Tabled November 3, 1988]

**Hon. Mrs. Caplan:** The following is a list of such drugs as shown in the Drug Benefit Formulary/Comparative Drug Index (the Formulary), under PCG 68:08:00 (Androgens):

## PCG 68:08 Drug Benefit Formulary/CDI

Drug name	DIN	Amount paid
Cyclomen	491764	\$ 4,449
Cyclomen	358754	11,687
Cyclomen	358762	58,966
Halotestin	030902	15,093
Metandren	005622	24,498
Metandren	005630	43,069
Durabolin	022489	3,671
Durabolin	022470	11,876
Anapolon-50	189421	4,716
Winstrol	033812	9,813
Depo-Testosterone	030783	29,636
Delatestryl	029246	13,496

Note: The amount paid includes drug cost plus dispensing fee paid in respect to prescriptions for these products supplied to persons eligible for Ontario's drug benefit.

The amount paid is for the six-month period March to August 1988.

**RESPONSE TO PETITION****LIMITATIONS ACT**

Sessional paper P-23, re incestuous sexual results.

**Hon. Mr. Scott:** Amendments to the Limita-

tions Act continue to be under consideration in my ministry. I have asked counsel in my policy development division to give consideration to the special difficulties encountered by incest victims.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

- Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reyecraft, Douglas R. (Middlesex L)  
**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



## CONTENTS

Thursday, January 26, 1989

**Private members' public business/Affaires d'intérêt public émanant de simples députés**

<b>Community health services</b> , resolution 58, Mr. Mahoney, Mr. Morin-Strom, Mr. J. M. Johnson, Mr. Offer, Mrs. Grier, agreed to .....	7613
<b>Constitutional reform</b> , resolution 57, Mr. Chiarelli, Mr. B. Rae, Mr. Sterling, Mr. Beer, Mr. Allen, agreed to .....	7622
<b>Réforme constitutionnelle</b> , résolution 57, M. Chiarelli, M. B. Rae, M. Sterling, M. Beer, M. Allen, adoption de la motion .....	7622

**Members' statements**

<b>Proposed observatory</b> , Miss Martel .....	7633
<b>Northern Ontario</b> , Mr. Eves .....	7633
<b>Eastern Ontario</b> , Mr. Keyes .....	7633
<b>Nursing services</b> , Mr. Reville .....	7634
<b>Hospital services</b> , Mr. Harris .....	7634
<b>Victoria playhouse</b> , Mr. Smith .....	7634
<b>Workers' compensation</b> , Mr. Reville .....	7635
<b>Hospital services</b> , Mr. Harris .....	7635

**Statements by the ministry**

<b>Health professions</b> , Hon. Mrs. Caplan .....	7635
<b>Child care</b> , Hon. Mr. Sweeney .....	7635

**Responses**

<b>Health professions</b> , Mr. Reville .....	7636
<b>Child care</b> , Mr. B. Rae .....	7637
<b>Health professions</b> , Mr. Eves .....	7637
<b>Child care</b> , Mrs. Cunningham .....	7637

**Oral questions**

<b>Hospital services</b> , Mr. B. Rae, Hon. Mrs. Caplan, Mr. Brandt .....	7638
<b>Automobile insurance</b> , Mr. Kormos, Hon. Mr. Peterson .....	7641
<b>Hospital services</b> , Mr. Harris, Hon. Mrs. Caplan .....	7641
<b>Rouge Valley</b> , Mr. Faubert, Hon. Mr. Peterson .....	7642
<b>Construction safety</b> , Mr. Mackenzie, Hon. Mr. Sorbara .....	7642
<b>Truancy</b> , Mrs. Cunningham, Hon. Mr. Ward .....	7643
<b>Financial planners</b> , Mr. Daigeler, Hon. Mr. Elston .....	7644
<b>Assistance to tobacco farmers</b> , Mr. Wildman, Hon. Mr. Riddell .....	7644
<b>Rape crisis centres</b> , Mr. Jackson, Hon. Mrs. Smith .....	7645
<b>School accommodation</b> , Ms. Collins, Hon. Mr. Ward .....	7646
<b>Proposed observatory</b> , Mr. Laughren, Hon. Mr. Peterson .....	7646
<b>Pollution control</b> , Mrs. Marland, Hon. Mr. Peterson .....	7647
<b>County government</b> , Mr. McCague, Hon. Mr. Eakins .....	7649
<b>Dairy industry</b> , Mr. Tatham, Hon. Mr. Riddell .....	7649

### Petitions

<b>Teachers' superannuation</b> , Mr. Eves, tabled . . . . .	7649
<b>Automobile insurance</b> , Mr. Brandt, tabled . . . . .	7649
<b>Workers' compensation</b> , Mr. Laughren, tabled . . . . .	7650
<b>Home care</b> , Mr. Jackson, tabled . . . . .	7650

### Report by committee

<b>Select committee on energy</b> , Mr. Carrothers, adjourned . . . . .	7650
---	------

### First reading

<b>Government Cheque Cashing Act</b> , Bill 210, Mr. Morin, agreed to . . . . .	7650
---	------

### Government motion

<b>Time allocation</b> , resolution 20, Hon. Mr. Conway, Mr. Morin-Strom, Mr. Eves, Mr. Philip, Mrs. Cunningham, Mr. Farnan, adjourned . . . . .	7651
--	------

### Answers to questions in Orders and Notices

<b>Government advertising</b> , question 275, Mr. Brandt, Hon. Mr. Elston . . . . .	7680
<b>Contracting of hospital services</b> , question 336, Mr. Reville, Hon. Mrs. Caplan . . . . .	7681
<b>Prescription drugs</b> , question 382, Mr. Reville, Hon. Mrs. Caplan . . . . .	7681

### Response to petition

<b>Limitations Act</b> , sessional paper P-23, Hon. Mr. Scott . . . . .	7682
---	------

### Other business

<b>Recess</b> . . . . .	7632
<b>Business of the House</b> , Hon. Mr. Conway . . . . .	7679
<b>Adjournment</b> . . . . .	7679
<b>Alphabetical list of members</b> . . . . .	7683





CA20N  
X1  
-D23

Co.  
Public

No. 137

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
Monday, January 30, 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, January 30, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### CHILD CARE

**Mr. Farnan:** At this very moment of time, Patricia Murphy will be driving 60 kilometres from Rexdale to Mississauga during her lunch break to administer medication prescribed by her doctor for her son, Christopher. She has done this for the last several days and must continue to do so on a daily basis because the Peel lunch and after-school program has a policy not to administer medication at all.

Admittedly, I am informed by a staff person at Peel lunch and after-care, this policy is under review, which is little comfort to Patricia Murphy.

Surely a single mom is under enough stress without inflicting this unnecessary pressure and anxiety of spending her entire lunch period in traffic traversing the city to administer a medication that very easily could be administered by the staff of the Peel lunch and after-care.

The member for Mississauga North (Mr. Offer) had this to say in the Mississauga News, January 25:

"By providing child care facilities in new schools, the Ontario government hopes to strengthen school-family relationships and help parents acquire appropriate services for their children."

Our schools will administer medication when presented with a note from the family doctor and an appropriate form signed by the local officer of health. The same service should be provided by day care operations. Surely appropriate services include the administration of medication to children in need.

### TRUCKING INDUSTRY

**Mr. Wiseman:** Members will recall the recent attempt of the Minister of Transportation (Mr. Fulton) to appeal the court decision respecting extraprovincial trucking licences in Ontario. They will also recall the huge backlog of new applications which resulted because of the

minister's decision to pursue the matter in the courts.

I can tell the House that Quebec has refused to grant extraprovincial operating licences to Ontario carriers since last August. Do members know why? Who better to ask than the Minister of Transportation? His court battles have tied up the valuable licensing for Quebec operators. The Quebec Transport Commission no longer will put up with the minister's nonsense. This commission has stated that it will begin processing licences for Ontario carriers when the backlog of applications is cleared.

The minister's inaction is certainly an embarrassment to his colleague the member for Ottawa South (Mr. McGuinty). This member stood in the House on January 5 to sing the praises of his government's eastern economic development initiatives; I am sure the truckers in eastern Ontario would beg to differ with the member's opinion.

I urge the member for Ottawa South to approach the Minister of Transportation for an explanation of his inaction on the matter, which is of great concern to shippers and carriers in eastern Ontario.

PETER KNIGHT

**Ms. Collins:** I am pleased to inform the House that Dr. Peter Knight has been selected as Hamilton's Citizen of the Year for 1988.

Dr. Knight came to Hamilton from his native New Zealand 20 years ago and is professor of surgery at McMaster University and a staff surgeon at St. Joseph's Hospital in Hamilton.

Several years ago, after witnessing at first hand the often tragic results of road accidents, he decided to devote his spare time to doing something to reduce this carnage. In 1981 he organized and established the Hamilton-Wentworth Council on Road Trauma. This council, which Dr. Knight has chaired since its inception, is now internationally recognized for its contributions towards improving road safety.

Dr. Knight has been a pioneer in the field of educating people, especially teenagers, regarding the dangers of driving while under the influence of alcohol or drugs. He has lectured widely on this subject, giving over 200 talks to

high school assemblies, halfway houses and other public forums and producing a training film for the Hamilton-Wentworth Regional Police. His discussions with young people led directly to the formation of Hamilton Students Against Impaired Driving.

These volunteer efforts have contributed immeasurably to making our roads safer and to improving the quality of treatment for traffic accident victims.

I commend the Advertising and Sales Club of Hamilton for selecting Dr. Knight, and I congratulate Dr. Knight for his richly deserved honour.

#### LOW-RISE REHABILITATION PROGRAM

**Mr. Breagh:** Some time ago, the Ministry of Housing initiated a program called the low-rise rehabilitation program. It is one of those things that sounded like a good idea at the time. Unfortunately, it really has not worked out to the benefit of anyone.

Here are two examples. At 9 Humewood Drive in York, the owner of the building got a \$30,000 interest-free loan under this government program and also received a 62 per cent rent increase from the rent review board. At 877 Millwood Road in East York, the landlords received another \$30,000 in an interest-free loan under this plan and asked for and got an increase of 59 per cent.

That is not the only problem that this program suffers from. At 316 and 320 Lonsdale Road in the city of Toronto, they received a \$40,000 interest-free loan for one building and a \$155,000 interest-free loan on another one. At 57 and 59 Spencer Avenue in the city of Toronto, the landlord received \$190,000 in interest-free loans from this same program.

The problem seems to be that nobody wants to take responsibility for the program. What began as a sensible idea to rehabilitate apartments is now stuck in a real morass of different governments, each denying responsibility for it, and of landlords exploiting the very obvious loopholes in the laws of Ontario and in this program in particular. This is one program that really needs one level of government to administer and a whole lot of common sense.

#### COMMUNITY SAFETY

**Mr. Runciman:** I rise to address once again a very serious concern expressed by my constituents regarding Lieutenant Governor's warrants issued with respect to the criminally insane.

I have called on the Minister of Health (Mrs. Caplan) to take responsible action by initiating a public inquiry into the stabbing of a Brockville woman. John Finlayson, an outpatient of the Brockville Psychiatric Hospital, was subsequently charged with aggravated sexual assault in connection with that stabbing.

Mr. Finlayson committed a grisly sex murder of a nine-year-old Toronto boy in 1973 after he had been consuming alcohol. He was found not guilty by reason of insanity. Recently, he was released from the Brockville hospital on a loosened Lieutenant Governor's warrant.

Last week I gave the Minister of Health documents from the hospital which showed that hospital staff were aware that Mr. Finlayson was drinking three days before the stabbing of the Brockville woman. During those three days, the hospital staff failed to bring Mr. Finlayson into their custody.

The Minister of Health has chosen to evade this issue by suggesting that this is a federal matter. However, risk management in Ontario's psychiatric hospitals is clearly a provincial responsibility, a responsibility that the Minister of Health has chosen to shirk. By continuing to delay and obfuscate, the minister, for reasons I cannot fathom, is actually telling the people of Ontario that she is prepared to take chances with their safety, and she is sending the same message to hospital staffs.

I call on both the minister and the government to give their immediate support to the motion by the member for Markham (Mr. Cousens) going before the standing committee on public accounts this week.

1340

#### GOVERNMENT RELOCATION

**Mr. Daigeler:** Much has been said recently about soaring prices in Metropolitan Toronto. I agree with Berel Wetstein's advice in the Toronto Star on January 17. The solution to Toronto's problems is to redirect economic growth towards less-developed areas of Ontario. The Ottawa-Carleton region, which I represent, is experiencing boom times similar, although not equal, to those in Toronto.

However, Renfrew and Lanark counties, Prescott and Russell, Stormont, Dundas and Glengarry and others are lagging behind. Such eastern Ontario cities as Cornwall, Smiths Falls, Hawkesbury, Pembroke and Perth would welcome new service-related and manufacturing industries with open arms. I urge the Ontario



government itself to set the pace and relocate some of its branches to eastern Ontario.

Government relocation is already under way for northern Ontario, with great economic success. Obviously, there will be some disruption for Toronto-based employees. However, in the long term, government and industrial relocation will reduce pressures on housing, social services, garbage disposal and transportation. A more balanced economic growth will benefit us all.

#### RETAIL STORE HOURS

**Mr. Farnan:** A note on the fridge, January 30, 1995: "Hi dear: Had to run. I've peeled the potatoes and veggies. You'll find the tourtière in the fridge. I'm working till 10 tonight and I'll probably be exhausted when I get home.

"By the way, I'm working the Sunday shift tomorrow. It's too bad. I was really looking forward to a nice, relaxing day. But we need the cash and I couldn't say no. Shirley said no last week and her hours have been cut right back. I'll miss seeing mom tomorrow. Thank God you're free on the weekends. Maybe I'll try to get up to the nursing home during the week. I really miss doing things together.

"Don't forget to read Tim his bedtime story and give him a kiss for me. Make sure he knows that I'm off on Tuesday and I'll take him to the park to feed the ducks. Maybe one of these Sundays when we're all together we could all go to the zoo. I know the children would love it.

"Too bad you're travelling this week. Still, I'll be off Sunday after next and we can plan something. I miss the good old days, when we could count on spending Sundays together."

Signed, "Working Mom."

#### CANADIAN FORCES BASE PETAWAWA

**Hon. Mr. Conway:** I seek unanimous consent to make a short statement about a tragedy that struck the military community at Petawawa over the weekend.

**Mr. Speaker:** Is there unanimous consent? Agreed to.

**Hon. Mr. Conway:** Honourable members will know that over the weekend the Canadian Forces Base community at Petawawa was struck by a dual tragedy. On Friday morning, five single young men, all from the airborne regiment at Canadian Forces Base Petawawa, were killed in an automobile accident in the Arnprior area of eastern Ontario. They were on leave but on their way, after the leave had concluded, to join their

comrades in a joint Canadian-American military exercise in Alaska.

After that tragedy of Friday morning in which those five young men were killed, a Canadian Forces Hercules aircraft, some time last evening, I believe at approximately seven o'clock local Alaska time, crashed upon landing at the airfield at Fort Wainwright near Fairbanks, Alaska, killing eight servicemen, six of whom were also from Canadian Forces Base Petawawa. Others were injured.

Members can appreciate how this double tragedy has struck the military community at home in Petawawa and elsewhere across the country. I want on this occasion, on behalf of the government of Ontario, to express our deeply felt sympathy to the families, comrades and friends of those who were killed and those who were injured.

My colleague the member for Carleton East (Mr. Morin), himself a former member of the Canadian Armed Forces and whose son has served in the airborne regiment, will be representing the government at a memorial service to be held at Petawawa some time in the very near future.

Again, to Brigadier General Douglas, base commander at Petawawa, to the families and comrades of those who were killed or injured, our most heartfelt sympathy on this most tragic of occasions.

**Mr. B. Rae:** Our hearts go out to the families and friends of those young men who were killed. It has been a very tragic weekend, a weekend of great emotion and of great feeling in the constituency and town of the government House leader.

I very much want to send our condolences and anything we can do. I think all members of the Legislature have a sense of helplessness when we hear news such as this, but we do want to send whatever we can to the families and let them know that citizens of this province are thinking of them, feeling for them and caring for them in this their hour of need.

**Mr. Sterling:** On behalf of our party, the Progressive Conservative Party of Ontario, I wish to say that we would also like to associate ourselves with the remarks of the government House leader, who represents the riding which takes in Petawawa.

We would particularly like to extend our sympathy to the parents and families of all of the young people who died in these two tragic incidents. I believe four of these people were from eastern Ontario, although those people who

go to CFB Petawawa felt, I am sure, that eastern Ontario was their home as well. Therefore, for our particular part of the province, we feel even a greater tragedy in this affair. Again, we express our condolences to the families.

**Mr. Speaker:** On behalf of all members of the assembly, when Hansard has printed the official word of the Legislative Assembly I will of course send a copy of Hansard to the base commander in Petawawa, so that your words of sympathy are heard.

## STATEMENTS BY THE MINISTRY

### ONTARIO SPORTS AWARDS

**Hon. Mr. O'Neil:** It is with distinct pleasure that I announce today the winners of the 1988 Ontario Sports Awards. These outstanding amateur athletes represented Ontario on the playing fields of the world and achieved extraordinary levels of excellence.

Their victories are an inspiration to us all. Their dedication, their commitment and their competitive spirit encourage every one of us to try a little harder, no matter what our field of endeavour.

Each award is accompanied by an athlete excellence grant. These funds are dedicated in the award winner's name to help cover the costs of training Ontario's next generation of athletes in that sport. It is with great pride that I announce the following winners:

The Disabled Athlete of the Year, from Hearst, is amputee swimmer Stephane Lecours, who set five world records in the past year, several of them at the Disabled Olympiad in Seoul, Korea.

Sailors are the Team of the Year, the Canadian Flying Dutchman team of Frank McLaughlin and John Millen from Toronto, who with their coach, Dave Thomas, won a bronze medal in Seoul.

In this the Year of the Coach, 1989, two special awards have been created and two outstanding coaches have been selected to represent all Ontario coaches. From the University of Toronto is Elizabeth Hoffman, who coached Ontario field hockey teams at the 1981 and 1985 Canada Games. The male coach of the year is Jack Donohue from Kanata, who recently retired after 18 years as Canada's national men's basketball coach. Mr. Donohue has made a tremendous contribution to basketball and coaching.

With an unprecedented number of victories for Ontario athletes at national and international events, the committee decided to honour multiple winners in two categories. Ontario's 1988

Outstanding Female Athletes of the Year are, in alphabetical order, marathon swimmer Vicki Keith from Toronto, the conqueror of all five Great Lakes in 1988, and figure skater Elizabeth Manley from Ottawa, for her silver medal performance at the Calgary Winter Olympics and the World Championships.

The Male Athletes of the Year are Olympic superweight boxing gold medalist Lennox Lewis from Kitchener, figure skater Brian Orser from Orillia for his silver medal performances at the Calgary Winter Olympics and the World Championships and the Olympic bronze medal winner in the decathlon, Dave Steen of Burlington.

All the award recipients will be honoured at the annual sports awards banquet here in Toronto on April 7.

Several of these athletes are with us in the gallery today and I would ask them to stand so that we could honour them. I am sure that I speak for every member of this assembly in extending our sincere congratulations and thanks to all the winners.

### 1350

### BOISE CASCADE COGENERATION PROJECT

**Hon. Mr. Wong:** Today, I am pleased to announce a major project which underlines the Ontario government's support for parallel generation, the independent generation of electricity. It is my pleasure to inform this House that, subject to the finalization of last-minute details, an 87-megawatt cogeneration plant will be constructed in Fort Frances on the grounds of Boise Cascade Ltd.'s pulp and paper mill in that city.

Cogeneration is the simultaneous production of thermal and electric energy from the same fuel. At the plant, a natural-gas-fuelled turbine will produce steam to heat the pulp mill's giant boilers and electricity to be sold to Ontario Hydro.

The project, subject to Ontario Energy Board approval, will cost \$100 million. Funding comes from ICG Utilities and a low-interest loan from Ontario Hydro. The Ministry of Energy and the Northern Ontario Development Corp. are providing a liability guarantee. Boise Cascade, under subcontract from ICG, will manage, operate and maintain the facility.

All the participants in this project will benefit. ICG and Boise Cascade will benefit economically and Ontario Hydro will obtain supplies of electricity at attractive rates. The people of



Ontario gain a more diverse, reliable electricity system and economic spinoffs from the project.

The project also complies with government's commitment to protect the environment. The plant will be fuelled by clean-burning natural gas. All plant emissions will conform to provincial standards.

In addition, the plant will provide Ontario Hydro with a secure, low-cost energy supply in an area of the province that requires increased generating capacity and the pulp and paper plant will enjoy substantial fuel cost savings as a result of this project.

The project represents a \$100-million investment in Fort Frances and will enhance economic development in that area. It will create 175 construction jobs during its development and an estimated 10 more for its continued operation.

The Boise Cascade cogeneration project embraces four government of Ontario objectives. It works towards improved overall energy efficiency, northern economic development, the use of cleaner fuels and the expansion of electrical power supplies by independent producers.

I am pleased to announce this project in the context of several key initiatives the government has instituted over the past two weeks.

At the beginning of last week, I introduced amendments to the Power Corporation Act which will ensure that Ontario Hydro is responsive to government policy and public priorities. An important part of these amendments deals with Hydro commitments to energy efficiency and parallel generation.

I also initiated the municipal street lighting program, a \$1.5-million pilot program jointly sponsored by the Ministry of Energy and Ontario Hydro.

The government has now received Ontario Hydro's \$2.5-billion plan for the reduction of acid gas emissions, as reported to the House recently by my colleague the Minister of the Environment (Mr. Bradley). Part of our strategy for reduction of acid gas will certainly involve increased use of cogeneration, of which this project at Fort Frances is an excellent example.

It is important that all sectors, government, public utilities and private business and industry, co-operate to meet our common goals to improve the efficiency of electricity production and to reduce our energy consumption. I believe the Boise Cascade cogeneration project is a fine example of that co-operation.

#### ONTARIO LAW REFORM COMMISSION

**Hon. Mr. Scott:** I am pleased today to announce the appointment of Rosalie Silberman

Abella as chairman of the Ontario Law Reform Commission. Ms. Abella succeeds James R. Breithaupt who has been appointed chairman of the Commercial Registration Appeal Tribunal.

I want first to thank Mr. Breithaupt for his distinguished service with the law reform commission over the last five years. His friends in this assembly will wish him well in his new duties.

The new chairman, Rosalie Abella, is well known to members of this assembly for her significant contribution to the life of the province in many areas. She has served as a judge of the family division of the provincial court. She has been a member of the Public Service Labour Relations Tribunal and a member of the Ontario Human Rights Commission. For five years she served on the Premier's Advisory Committee on Confederation and for the last few years she has served as chairman of the Ontario Labour Relations Board.

Rosalie Abella is perhaps best known for two significant studies which she prepared at the request of governments. In 1983, she tabled a report for the province on Access to Legal Services by the Disabled and, in 1984, she was appointed by the government of Canada as the sole commissioner on a study into equality in employment. Both reports exhibited her commitment to principle and her strong practical bent. Her contribution to our community has been recognized by many, including the seven universities which have conferred on her honorary doctorates.

The Ontario Law Reform Commission is not only the most senior, but also the most distinguished commission of its type in Canada. It of course functions independently of the government and is entitled to select its own agenda. Notwithstanding its distinguished history and the significant practical contribution it has made to the reform of our law, I have for some time been concerned about the law reform commission's role and the importance of establishing an appropriate agenda for its work.

The reports of the commission have tended to focus on matters of "black letter" law. It is the government's belief that in a rapidly changing society the commission may want to begin responding to a wide variety of law reform issues that are of more immediate concern to the general public we are all committed to serve. This was very much the agenda of the Access to Justice Conference which the Ministry of the Attorney General convened last year with considerable success.

In particular, it is very much to be hoped that the law reform commission, under the leadership of its new chairman, will develop a consultation process which can involve a wide variety of groups and individuals across the province that have concerns about the law, the administration of justice and law reform. I look forward to a most productive period for the commission under the guidance of Ms. Abella as it begins the task of developing a new agenda.

Under the direction of Ms. Abella, I anticipate that the law reform commission will continue to develop and indeed expand its examination of matters which are of real and pressing concern to all citizens of the province. I am confident that the reports which Ms. Abella and her fellow commissioners will tender will provide solid advice to the government in ensuring that the laws of the province continue to meet the needs of those whose interests we serve.

I invite all members to join with me in congratulating Rosalie Abella and wishing her well as she enters upon her new duties.

## RESPONSES

### ONTARIO SPORTS AWARDS

**Mr. Farnan:** Environment, dedicated volunteers and good programs produce champions. In recognizing and congratulating the winners of the Ontario Sports Awards, I would extend this to all athletes who have represented us at the provincial and national level. I would also like to recognize all of the athletes, coaches, officials, administrators and government programs that have contributed to the road to success of our Ontario Sports Awards winners. Congratulations.

### BOISE CASCADE COGENERATION PROJECT

**Mr. Hampton:** I want to respond to the statement by the Minister of Energy (Mr. Wong). When I was first elected some 18 months ago, I sat down with Ontario Hydro officials and that was when the cogeneration program was first discussed. We welcome the announcement today of the finalization of the cogeneration project.

I want to say, however, that while the paper mill that is entering into this contract with Ontario Hydro may in fact conform to all government requirements in terms of the environment for this cogeneration program, I believe that same paper mill exceeded the air limits last year more than any other paper mill in the province.

## 1400

While the government should be congratulated on the fact that the new undertaking in terms of energy cogeneration will conform to sound Ministry of Energy and Ministry of the Environment practices, I ask the government to look again at what some of the current practices are in terms of conforming to Ministry of the Environment practices.

I would like to note that this is a project which, in terms of northern Ontario, is overdue, and I hope the Ministry of Energy will consider further cogeneration projects like this, especially if they conform to the practices and rules of the Ministry of the Environment.

### ONTARIO SPORTS AWARDS

**Mr. B. Rae:** First of all, I want to offer my warmest congratulations on behalf of my colleagues in the New Democratic Party to the athletes who are with us today. I want to say personally that I am sure every family in this province has been touched in some way by the achievements of the remarkable men and women we saw performing in Seoul and by the remarkable contributions of Vicki Keith, who is the first person in the history of the world to successfully swim all the Great Lakes in one season.

**Hon. Mr. Peterson:** The Atlantic is next.

**Mr. B. Rae:** I asked her on Saturday night what was next and she said I would be reading about it in the newspapers soon, so we all look forward to these great achievements.

Seriously, all of us and indeed our families draw inspiration from their example. I know they do not always hear from everybody about how proud everybody is, but they can get a feeling from our speeches today of how really proud we are of what they have done on behalf of all the young people out there who draw such inspiration from what they have done and, if I might say, of a few older people as well, who look at them with great admiration and wonder.

### ONTARIO LAW REFORM COMMISSION

**Mr. B. Rae:** I want to offer my congratulations to Rosalie Abella on her appointment as the chairman of the Ontario Law Reform Commission. I can tell the Attorney General (Mr. Scott) that I think it is a very fine appointment. Along with many others, I am a great fan of Rosalie Abella. I think she makes a tremendous contribution to public life in this province.

The only thing I would say to the Attorney General is that I am delighted by the fact that he is



now changing the role of the law reform commission and giving it a more activist role, but when the government itself lacks vision; when the government itself is, according to its own advisers, stumbling from crisis to crisis; and when the corridors of this place are rife with the sense that even when it gets good advice the government is reluctant to act, all I can say is we have had a conference on access to justice, but we have had no action from this government on the recommendations that came out of that conference.

I look forward to the recommendations of Rosalie Abella. She made some tremendous recommendations to the federal government on employment equity, none of which has been adopted by the provincial government with respect to employment equity in this province. So I look forward to reading Rosalie Abella's reports, and my only hope is that they finally are implemented, perhaps even in the lifetime, as it gets shorter and shorter, of this increasingly reactionary and stumblebum Liberal government.

Interjections.

**Mr. Speaker:** Order.

**Mr. Sterling:** I would like to add congratulations as well to Ms. Abella, who has been appointed as the chairman of the Ontario Law Reform Commission. I do hope, as the Leader of the Opposition (Mr. B. Rae) has noted, that this government will take greater note of the recommendations and of the good work the Ontario Law Reform Commission has done in the past.

I would also like to thank at this time a former member of this Legislature, Jim Breithaupt, who in my view has led the Ontario Law Reform Commission to many substantial reports. I only wish his former colleagues now on the government side would implement many of those reports.

#### ONTARIO SPORTS AWARDS

**Mr. Cousens:** Our party would like to join with the Minister of Tourism and Recreation (Mr. O'Neil) in congratulating the winners of this year's Ontario Sports Awards. They are winners not only in their own successes in sport but also for all of us, because they stand as models of excellence of people who have set goals for themselves and then reached towards them and achieved them. We need more models like this in our society today.

I commend the minister and all in the ministry and these athletes in particular for their achievements. I hope they will continue to be excellent

models to our young Scouts in the gallery and to the young people across our province who have that chance of excelling in something. I hope that all of us can begin to have a sense of fitness about ourselves, a sense of moving towards excellence in anything we do. They have certainly proved themselves and we are proud of them.

#### BOISE CASCADE COGENERATION PROJECT

**Mr. Runciman:** I want to indicate our party's pleasure at the announcement of the Minister of Energy (Mr. Wong) today with respect to the 87-megawatt cogeneration plant in Fort Frances. There is no question that this development is going to boost the Fort Frances economy and we are pleased to see it taking place.

As I am sure the minister would acknowledge, this is only the tip of the iceberg in terms of the electrical generating potential in Ontario with respect to cogeneration.

As is the custom over there, the minister has engaged in a little bit of self-congratulation. He makes reference to the amendments he has introduced to the Power Corporation Act which at first glance, in our view, appear to be woefully inadequate and certainly do not deal with the concerns expressed by his leader in a former incarnation when he described Ontario Hydro as a monster out of control. The amendments the minister brought into the House last week certainly do not deal with the concerns expressed by his leader on a number of occasions in the past.

The minister also mentions the municipal street lighting program, which again, in our opinion, is a very meagre effort at conservation. With all due respect, he should be expressing more concern about the efforts on behalf of Ontario Hydro and municipal utilities across this province to increase market share and in many instances push advertising urging consumers across this province to increase electrical consumption.

We have to be talking seriously about conservation and demand management and the minister has to deal very effectively with Ontario Hydro and the municipalities across this province, in a much more effective manner than he has to this point.

I want to indicate to the minister that in terms of cogeneration and getting that potential on stream, he has to deal more effectively with Ontario Hydro again to ensure that there is a fair pricing mechanism out there, and perhaps even more important to ensure that there is a more

co-operative stance taken on behalf of Ontario Hydro.

I want to indicate that in my own region of eastern Ontario, two chemical firms, Nitrochem and Dupont, have been attempting for the past number of years to work out an agreement with Ontario Hydro to get a cogeneration project off the ground. They have been frustrated at every turn, roadblocks have been placed in their path and there is no light at the end of the tunnel with respect to getting that significant cogeneration project on the rails.

That is happening right across this province. We had that expressed to us ad nauseam through the hearings of the select committee on energy.

I want to suggest to the minister and to his government that they deal in a more effective and firm manner with Ontario Hydro to make sure that we realize the very significant potential of cogeneration in this province.

## ORAL QUESTIONS

### BREWERY MERGER

**Mr. B. Rae:** I have a question for the Premier, in the absence of several other ministers who might have received this question. I know the Premier has a penchant for referring questions, but I note that his colleague the Minister of Industry, Trade and Technology (Mr. Kwinter) and his colleague the Minister of Labour (Mr. Sorbara) are not here.

I have some very specific questions that I want to ask the Premier on what he intends to do, in particular about the Molson's-Elders merger, but more generally about the epidemic of takeovers which is a growing problem in Ontario and in Canada and indeed in North America.

I want specifically to ask the Premier a question about the Investment Canada Act. As he will know, the matter of the merger between Molson's and Elders is potentially covered by the federal legislation called the Investment Canada Act. That act states very specifically under section 20 that one of the factors which the federal minister—now Mr. Valcourt, as of 12 o'clock—has to take into account is “the compatibility of the investment with national industrial, economic and cultural policies, taking into consideration industrial, economic and cultural policy objectives enunciated by the government or legislature of any province likely to be significantly affected by the investment.”

I wonder if the Premier can tell us today what the position of the government of Ontario is with respect to the merger that is now contemplated

between the Molson company and Elders in producing this new Molson's brewing company.

1410

**Hon. Mr. Peterson:** As the member knows, the competition policy and Investment Canada policy is in the hands of the federal government. Our concern is for the workers involved. That is the priority for this government. Just as we reject the kind of approach that one of the federal ministers took and said, “Go and look in the want ads,” we do not believe that is the appropriate response in the circumstances.

There are mergers going on. As the member knows, no provincial government has the power to control or regulate those. In this particular case, it also relates to certain international questions with the General Agreement on Tariffs and Trade and to the question of interprovincial barriers with respect to the production of beer. It is a complicated one from that point of view.

But our priority is for the workers. As I understand it, the ministry is working with those workers who will be dislocated as a result of this over the next two and three years. We are working with the union representatives and others to make sure that we have the proper programs in place to help and to make sure that the companies live up to their responsibilities in this regard.

**Mr. B. Rae:** The Premier says this is entirely a question for the federal government and then says that his worry is about what happens to the workers. The reason I put the question to the Premier was that, quite specifically, the Investment Canada Act says that what a provincial government thinks is happening to the workers is in fact a very legitimate question for the federal minister to consider in approving or disapproving the investment; in this case, of the merger.

That is why I am very specifically asking the Premier if he can tell us the position of the government of Ontario with respect to this question of a merger as it is covered by the Investment Canada Act and other federal legislation. Can he tell us precisely what representations he is making, because he is asked to make them? In fact, under the Investment Canada Act, he is expected to make them.

What is he saying to the federal government—

**Mr. Speaker:** Order. The questions have been asked.

**Hon. Mr. Peterson:** As I said to my honourable friend, as this develops—

**Mr. B. Rae:** Are you in favour of it or against it?



**Hon. Mr. Peterson:** Am I in favour of the merger? If the member is asking me if I am in favour of the merger, the answer is that there is nothing we can do about that particular situation. It is not my judgement to sit—

**Mr. B. Rae:** There certainly is something you can do about it.

**Hon. Mr. Peterson:** The member is wrong. Let me just say to my honourable friend there are certain rationalizations going on in the economic world. A lot of it, frankly, I am not happy to see. But I do not want to mislead the member, nor would he want to mislead anybody, into thinking that this Legislature or the provincial government can do anything about it.

Obviously, we can make our views felt on this matter, and we will, with respect to the treatment of workers. It is incumbent upon the companies involved to make sure that they have programs to assist. The federal government has a responsibility, as do we. I can assure the member that we will fulfil our responsibility in that regard.

**Mr. B. Rae:** Is the Premier seriously suggesting that the Investment Canada Act, subsection 20(e), does not in fact require the government of Ontario to make submissions? Is he seriously suggesting that the new Competition Act, if this merger were to go to a tribunal, does not in fact give the provincial governments the right to be there as a matter of right as interveners? Is he denying that the provincial government under the Ontario Securities Act has the right to limit the kind of golden parachutes and golden handshakes that go to senior management, when nothing or very little goes to workers? Is he denying that the whole question of corporate income tax and the kind of tax—

**Mr. Speaker:** What is your question?

**Mr. B. Rae:** —write-offs and benefits that go to corporations when they borrow money is not covered by provincial jurisdiction? If that is what he is arguing, he simply does not know what he is talking about, once again, when it comes to what happens to workers in this province.

**Mr. Speaker:** Premier?

**Mr. B. Rae:** Answer those questions.

**Hon. Mr. Peterson:** I do not think there was a question there, to the best of my knowledge. The answer is, if I could find a question there, I would try to help my friend out, who wants to make a speech from his soap box. Let me say and repeat to my friend opposite that competition policy is in the hands of the federal government. Now the member may not like the mergers. I may not like the mergers. He may not like Stone's takeover of

Consolidated-Bathurst. He may not like the Canadian Airlines takeover of Wardair. I find a lot of those moves extremely disquieting. But let us not, and let the member not, mislead anybody into thinking we have the ultimate control on these matters.

Let me say to my friend: Our concerns have been asserted, and will continue to be asserted, with respect to the rights of the workers and to the future of those workers, and that seems to me to be the priority. The member does not want to stand in this House and give anyone the impression that we have the power to stop this particular matter, because that is not the case and I think my honourable friend knows that.

**Mr. B. Rae:** All I ever suggested to the Premier is that if he wanted to do something he could, and he obviously—

**Mr. Speaker:** Thank you. New question. To which minister?

#### ELECTRICITY DEMAND AND SUPPLY

**Mr. B. Rae:** To the Minister of Energy: Last week was a week where the minister both on Monday and Friday had some interesting things to say about the future of energy in the province. Both on Monday and Friday he made the point of saying that it was his personal view that, in fact, a new, large, power-generating station would be required in Ontario by the turn of the century and the government would be making a decision on that matter within roughly the next six months or the next year.

I want to ask the minister this question. He will know that between his statement on Monday and his statement on Friday, the select committee on energy came out with its report on Thursday. One of the very specific recommendations of the select committee was that no new major Ontario Hydro supply option should be approved until the Ministry of Energy and Hydro get their act together on this critical question of demand management.

I want to ask the minister this question: Why is he saying things which are completely and totally at odds with the report of the select committee on energy, which was a unanimous report, signed by members of his own caucus, on Thursday?

**Hon. Mr. Wong:** First of all, let me say that I respect the thinking and the work that was done by the select committee on energy. It came up with a number of ideas which will be helpful to the government and to the people of this province in terms of developing its energy policy and electricity policy.

Let me be more specific and explain to the honourable Leader of the Opposition that is why the government is going through this process as expeditiously as possible: to make sure that when we make our energy decisions for the next decade or 15 years we do it on the most complete and comprehensive information possible. The member was talking about demand management plans and supply options that will take years, in some cases, to put into place, and that will cost many dollars.

**Mr. B. Rae:** I know that. I think everybody knows that. If we are going to build a new plant, it is going to cost us billions of dollars. The Darlington plant cost billions of dollars. The minister was not here when his leader was Leader of the Opposition, but he raised several questions throughout that time as to what a big white elephant it was going to be and how much it was going to cost.

What I want to ask the minister is simply this. The select committee has said that there should not be another station until everybody gets his act together on demand management. The minister, meanwhile, is saying, unless I misunderstood him—he said it twice last week—that, in fact, there is going to be a new station and he does not see any way to avoid the necessity to build a new station. He will not tell us whether it is coal, gas-fired, nuclear or hydroelectric. He has not indicated what it is going to be.

I specifically want to ask the minister this: Can he please come clean? What is the new station he is talking about? When does he plan to present it to the Legislature? Why is he proposing such a station when, in fact, building such a station was rejected as an option now by the select committee which was studying this very question?

**Hon. Mr. Wong:** Over the past more than a year, I have listened to many of the groups. The select committee provided us with one valuable input. It obviously listened to the public and many special interest groups. At the same time, I have listened to and had discussions with many of the big industrial users of electricity and many of the municipal users of electricity—all of them different users of electricity that rely upon our electricity system—and some of them point out that Ontario is growing very rapidly, in an economic sense. We need electricity. How can we ensure that with our demand management programs and supply management programs we make the best decisions?

1420

I do agree that we must do whatever is possible to make sure we do as much in the demand management area as possible.

If I read the recommendation clearly from the select committee, it urged that we make sure that we, as a government and as a society, are satisfied that a sufficient amount of work is being done in the demand management area.

Here we are: Last week, I announced the municipal street lighting pilot program which is in the evaluation stage. If it proves itself in the first year, Ontario Hydro is committing to take it through the whole province. That will make us more energy efficient in the municipalities, and that will be good for Ontario.

Today I announced the cogeneration project; 87 megawatts is very significant and a good example, I think, of where we should be heading.

**Mr. B. Rae:** I want to make sure the minister is saying the same thing in this place as he is saying outside.

On January 24, the Toronto Star, in a story by Kathleen Kenna with a large headline, reports—and I am quoting from the words that are put in the minister's mouth, so they are words that he is alleged to have said quite directly: "Inevitably, at some point over the next 10 to 15 years, we will need another major (plant)," he said. 'We're well into the process to making the decision' about where, when and what type of power station is to be built."

That is what the minister told the Toronto Star. Twice last week he was reported as saying there is going to be a new station of some kind, and that decision is going to affect a new station to be constructed around the turn of the century. The timing is not exactly precise in terms of year, but the message is very clear.

All I am asking the minister is quite simple: What kind of a station is he planning on building? When can he tell us about it? When can he finally recognize that what he is saying is quite the opposite of what the select committee has been saying about the need to deal with conservation before we get into the construction of another major plant?

**Hon. Mr. Wong:** I appreciate the honourable Leader of the Opposition's concern in his question and I treat it very seriously.

Let me say first of all, with respect to Kathleen Kenna, the writer at the Toronto Star, I too have a great deal of respect for her professionalism. In fact, in the article the other day where it talked about David and Goliath, I thought I would remind Kathleen if I were to see her today that at the end of that Biblical story, David won the day.

To answer the honourable leader, let me say that when I talk to everyone whom I talk to, I point out that over the next 15 years or so, at the



rate at which the economy is growing, the rate at which demand is growing for electricity, the numbers seem to indicate that even after we do all the things we should be doing in the demand management area—and this is in answer to the question—it is my feeling that we will still have to look at the supply side.

As a result, here we are as a government, encouraging these smaller projects that can be implemented faster; they do not require as much in terms of capital; they can give our system greater flexibility in a shorter period of time.

What I am saying is that, as I said to the newspaper people, it depends on the time frame, and I feel that in due course, we will have to face that decision.

### NURSING SERVICES

**Mr. Harris:** My question is for the Minister of Health. The minister will know that the three hospitals in Toronto that handle adult, open-heart surgery have a capacity to handle 3,100 cases a year; yet, according to a recent report by the Ontario Hospital Association, in 1989 only 2,600 procedures are expected to be performed. In other words, these three hospitals will be operating at 500 cases below their existing capacity while people are literally dying on waiting lists.

This does not sound like a world-class, well-managed health care system to me. I would ask the minister if she feels that this is a satisfactory situation. If it is not, what is she going to do to change it?

**Hon. Mrs. Caplan:** As we have discussed on a number of occasions in this House, we have moved to increase our capacity for cardiovascular surgery in this province and we have increased it in a number of locations. It has increased in Hamilton. Just last week, Hamilton doctors announced their increase in capacity would, in fact, take the stress and pressure off Toronto. We know it has been increased in Sudbury, Ottawa, and in Toronto as well.

I want to assure the member opposite that expert physicians are working very closely with the ministry to make sure that the resources that were made available by the ministry some time ago are used to expand that capacity to meet the needs of the people of this province as quickly as possible.

**Mr. Harris:** We contacted the Ontario Hospital Association. It said that in spite of the present capacity, a shortage of nurses will restrict the ability of Toronto hospitals to perform open-heart surgery. So as important as it is to put more

money into capital expenditures, to build new units, to bring more surgical teams on stream—as the minister says, to increase the capacity—without the nurses to staff these units they will continue to operate below even the existing capacity, let alone her solution, which is an expanded capacity.

I would ask the minister what action she is taking to ensure that more nurses are available to staff the intensive care units and to ensure that more nurses do not leave the profession?

**Hon. Mrs. Caplan:** I have taken a number of initiatives. Everyone understands that the hospitals themselves, the employers, the nurses' union, the Ontario Nurses' Association, the profession, the College of Nurses of Ontario, the educators, as well as government, all have a role to recognize the changing profession, to ensure that nurses are appreciated, are given the respect that they deserve and that their working conditions reflect the changing realities within our province and the role of women in the workplace.

I can tell the member that the commitment I have from all of the partners involved in delivering health care to this province is a commitment to work with us co-operatively to seek solutions. I am optimistic and very confident that we will be able to provide those services that are required to the people of Ontario, as close to home as possible, recognizing the regional differences of our province.

**Mr. Harris:** I would like the minister to take a look at today's *Globe and Mail*. There are three full pages of classified ads for jobs for nurses. The big draw is money. There are ads here from Ontario hospitals. There are ads here from those outside Ontario. For example, at Stanford University Hospital in California, the salary range is \$31,700 to \$47,000. There are also management opportunities available, \$41,000 to \$62,000. Clearly the big draw is money. The respect that they are asking for is, in large part, money.

So until she agrees to allow the OHA to open contract talks with the nurses, until she agrees to provide the funding so that it can provide, particularly at the upper end salary ranges that are going to allow them to compete, we will continue to lose existing nurses and we will continue to be unable to attract nurses, so that whether the government builds 500 or 5,000 new units or new capacities for open-heart surgery, she is not even going to be able to live up to the existing capacity of 3,100 a year.

**Hon. Mrs. Caplan:** I would remind the member opposite that intensive care nursing,

critical care nursing and operating nursing are highly specialized parts of nursing and they require additional education in order to be able to work in those areas of nursing.

I can tell him that what will be helpful in this situation, and the reason I am so confident that within a very few weeks we will see that capacity increase in the city of Toronto, and downtown Toronto as well, is the fact that 68 critical care nurses will be finishing the program at Ryerson Polytechnical Institute. The hospitals of downtown Toronto have been sponsoring them to take that situation.

Other than that, I would say to the member that I have great respect for the collective bargaining process and I believe there are many issues to which collectively the employer, the Ontario Hospital Association, and the employee, the Ontario Nurses' Association, will be able to seek solutions, with the support and facilitation of the ministry and of myself, problems that perhaps are outside the collective agreement.

1430

#### COMMUNITY SAFETY

**Mr. Jackson:** My question is to the Minister of Community and Social Services. On February 6, the officials of his ministry will release into the community the 18-year-old killer of Arthur Irwin, his wife and their seven-year-old daughter. Today, we have learned that the Irwin killer will probably remain within the Hamilton-Halton area, because that is where he is currently working. Will the minister agree to warn the local and area police, and the school officials if necessary, that this dangerous young man is about to be released into our community?

**Hon. Mr. Sweeney:** I think the information the honourable member has just shared with us is fairly well known by the public, certainly in his area. As members know, we have co-operated with the local police in the provision for passes in the last six months.

Let me share with the honourable member that considerable initiatives have been taken to assist this young man to reintegrate himself back into society. The children's aid society has offered, and he has accepted, guardianship for the next couple of years so that it can provide supports for him. A local youth support service has offered help and he has indicated he is prepared to do that. He does have a job. He has been offered living accommodation at two different centres. He will choose which of those he will accept.

I think all reasonable initiatives have been exerted to assist this young person and to assure

the community in which he will live that those supports are there to help him.

**Mr. Jackson:** The minister is very careful not to clarify the nature or the extent of the information he is disclosing with respect to this case. He talks only about support services and whether or not they are operating in a vacuum. He knows full well that the Young Offenders Act, paragraph 44.1(1)(h), clearly states cabinet has that power to disclose that information and records to any class of persons it designates.

The Irwin killer has been pronounced so dangerous that it is said he "could 'kill again, without a doubt.'" His girlfriend at the Syl Apps Youth Centre is a double murderer and his best friend is the boy who killed the Babineau children in Orangeville. At the trial, two psychiatrists testified he is insane. He has received absolutely no psychiatric treatment during the three years he has been in the minister's care. Members of my community want to know whether the minister stands by his statement, in yesterday's Toronto Sun, that he is absolutely "no threat to himself or others." Does he stand by that statement?

**Hon. Mr. Sweeney:** I think a rereading of that statement would clearly point out that I was sharing the information that had been made available to me, by the psychiatrists, psychologists, social workers, nurses and frontline counsellors who have worked with this young person, that there is no evidence he in fact is a danger to himself or others at this time and that consequently no psychiatrist could admit him to a psychiatric institution involuntarily.

I believe the member will also find, if he rereads the second part of the statement I made, that I said I, as the minister, can make no guarantees—nobody can—but all the evidence available at this time would indicate he is not a danger to himself or to others. I certainly hope the various agencies that have offered assistance to him, including the support staff at Syl Apps after he leaves Syl Apps, will have those offers used by the young person, and that society generally will give him an opportunity to reintegrate himself.

He has fulfilled all the commitments of the federal law. We, as a ministry, have fulfilled all the requirements of the federal law. It is now up to us as a society to give him a chance, and it is up to him as a young person—he is an adult now; he is 18—

**Mr. Speaker:** Thank you.

**Hon. Mr. Sweeney:** —to take advantage of the support systems that are being made available.



**Mr. Jackson:** When I raised this question with the minister several months ago, the status of the Irwin killer was shifted from unsupervised day passes to supervised day passes. The minister has publicly stated that if he should ever find out who the employee was who talked to the media, he would fire him.

The relatives of the deceased Irwin family are terrified. They do not know what to do when this individual is released in a week. Some are seeking restraining orders to prevent this killer from coming near them. Therefore, I want to ask the minister what support he is giving those relatives specifically, and will the province assist in their motion for a restraining order?

**Hon. Mr. Sweeney:** Let me go back to the editorial comment of the honourable member. He will recall that at the time confidential information was divulged by a staff member at Syl Apps, I made the very clear observation that all our staff people take an oath of confidentiality, and that is to respect what they have seen and heard as part of their job. That particular staff person broke that confidentiality. That was the basis of my statement.

**Mr. Jackson:** It contradicts what you're telling us.

**Mr. Speaker:** Order.

**Hon. Mr. Sweeney:** No, it does not. What I clearly indicated was that a team of psychiatrists, psychologists, social workers, nurses and front-line staff people all made a joint decision as to this young person's ability to cope outside of Syl Apps. The fact that some other single individual exerts his particular individual opinion is well beyond the confidential security oath he takes. That is what I was speaking to and I still think that is wrong.

The second point I would make very clearly is that while that young person was at Syl Apps, he did take advantage of the opportunity to participate in therapy sessions, both group and individual.

The third thing is that there is a federal—  
Interjections.

**Mr. Speaker:** Order.

#### NONPROFIT HOUSING

**Mr. Breaugh:** I have a question for the Minister of Housing concerning the proposal to privatize the nonprofit housing program known as Homes Now. How does the minister explain to all those community and church groups out there that are working very hard to put together nonprofit proposals for affordable housing that

they are expected to do their work on a nonprofit basis at the same time as the Ministry of Housing is inviting the private sector to come in and make a profit from this nonprofit housing proposal?

**Hon. Ms. Hošek:** As the member opposite knows, we have committed to building 30,000 new housing units through the provincial Homes Now program in a very short time. We are committed to getting this housing built as quickly as possible and to helping the groups that are going to be involved in building it to do that as well and as effectively as they possibly can.

We have increased significantly the staff in the Ministry of Housing that will be working with the nonprofit groups out there to make sure they can build the housing that they are committed to building and that we are committed to building with them.

We have also decided to try out the possibility that some of the administration of the program can be given to some of the people in the private sector, who are now bringing forward tenders to see whether they can do so while meeting our goals for working effectively with the nonprofit sector to make sure this housing gets built.

Surely the member opposite would not like some of the groups out there, which are not necessarily experienced in building housing all over this province, not to get adequate support in their process of building, in the information they need about building, about land, about development, which is quite a complicated process. We have significant staff committed to doing this in the ministry—

**Mr. Speaker:** Thank you.

**Mr. Breaugh:** It is not hard to get the foxes into the hen house; it is just that they are going to devour some of her assets while they are in there.

How can the minister possibly justify giving them access to things like how much land the government owns and what are the development proposals that will be a priority within her ministry? How does she justify giving the private sector access to this supposedly nonprofit housing program? How does she basically justify allowing them in to cream a profit from what is supposed to be a nonprofit proposal?

1440

**Hon. Ms. Hošek:** The member opposite seems not to have understood what I was saying. What we are talking about is having people work with the nonprofit sector in the process of development. We are not talking about the development of government land directly. We are talking about making sure that the nonprofit

groups that are going to be building housing all over this province get the support they are supposed to get. We are looking at the most effective and efficient way of doing that.

We have committed significant resources in the Ministry of Housing and have hired new people to do that. We are exploring the possibility some of that work can also be done by some people who are working with the development sector, to help nonprofit groups to build.

#### GOVERNMENT'S RECORD

**Mr. Harris:** I have a basic skill-testing question for the Premier. I would like him to listen to the following two short quotes.

Quote number one: "The government seemed bereft of new ideas and initiatives, and on the whole appeared to lack a coherent strategy and sense of direction."

Quote number two: "The government's top officials 'have been totally preoccupied with problem-solving and crisis management rather than long-term planning or priority-setting.'"

My skill-testing question to the Premier is this: Which one of those two statements was made by one of his senior cabinet ministers and which one came out of the last legislative summary prepared by my party?

**Hon. Mr. Peterson:** Everything nasty around here is said by the member for Nipissing.

**Mr. Harris:** I am sending over to the Premier one of our legislative summaries. Neither of the two quotes came from me. I am not the type of person who would want to put forth destructive quotes. I think he will find most of the information I provide to the Legislature is dealt with constructively, trying to provide solutions to the problems.

I have sent over one of our legislative summaries. I want to say to the Premier that it will save him \$150, because I understand that is the going rate for the report that was done by Public Affairs Management. I would like to know, on a serious note, if the Premier agrees with his cabinet ministers and his senior officials—not with me, not with our legislative summary. Does he agree with them, who have been quoted as saying, "Most ministers' offices would agree that the Premier's office is the biggest frustration." and "They seem not to have a vision."

Does the Premier agree with his ministers and officials who believe the biggest problem they face in delivering on policy promises is him?

**Hon. Mr. Peterson:** The answer is a very clear "no." Since the honourable member is giving me advice, let me give him some advice.

In his bid for the leadership of his party, he should not try to fake it on a Mr. Nice Guy campaign. He will never make it.

Interjections.

**Mr. Speaker:** Order. Now could we get back to some ministerial matters?

#### SCIENCE EDUCATION

**Mr. Adams:** My question is for the Minister of Education. With the help of their teacher and a senior citizen, a group of grade 8 students in Peterborough has gained national media attention for their knowledge of the greenhouse effect. Theirs is an excellent example of good science education, but I fear their experience is the exception. What is being done to improve the quality of science instruction across this province?

**Hon. Mr. Ward:** I would like to thank the member for Peterborough for the question. I would have to say that indeed I very much support the kinds of initiatives being undertaken by the students to whom he referred. There is no doubt this is an area we have to increasingly focus our attention upon.

The member will be aware that back in 1986 my predecessor announced a very significant 24-point plan for the renewal of science in the primary and junior divisions within our education system. The focus clearly is on the need to foster curiosity and interest in science. Many of the proposals in that 24-point plan are just now coming into effect, including the new elementary science curriculum document called *Science is Happening Here*. It has now been released and I might say is receiving great reviews from educators throughout the province and indeed throughout the country.

Intensive teacher-training initiatives are under way. We have developed a directory of women in science. We have committed \$6 million annually for new learning materials in primary science. I just want to reiterate that this is an area we believe is of fundamental importance and we will continue to come forward with these types of initiatives.

**Mr. Adams:** I am grateful for that reply. I was aware of some of the curriculum initiatives and I was delighted to hear of the others. What sort of measures are being taken to ensure these changes in curriculum are reaching the teachers and the students in the schools?

**Hon. Mr. Ward:** The member will know that in a number of areas we are working quite diligently in an effort to set clear standards and



make sure both our students and teachers are meeting those kinds of expectations.

Recently, we participated in some international testing with a number of jurisdictions throughout the world in the area of science and mathematics. Just last year, we undertook a provincial review in grade 11 physics and chemistry. The results of that review should be available in the very near future. I just want to say to the member that we do believe in making sure there are clear, identifiable standards that we expect to be met, and we intend to follow up those sorts of initiatives with direct programs.

### FIREFIGHTING

**Mr. Hampton:** My question is for the Minister of Natural Resources. It was recently announced by the Ministry of Natural Resources at its district offices in northwestern Ontario that regular firefighting crews will be reduced this summer from five-person crews to three-person crews and in some cases the number of crews will be reduced.

The minister knows that the 1986, 1987 and 1988 summers were bad fire seasons where millions of dollars of harvestable forest were lost. In view of that, why is the ministry cutting back on regular forest firefighting crews this year? How does the minister plan to meet emergency forest fire situations and does he not think this is a risky thing to be doing?

**Hon. Mr. Kerrio:** No, I do not think good planning is ever risky. The fact is that this government spent some \$50 million last year on fighting forest fires; probably the most successful forest firefighting group anywhere on the continent. We had people come from every other jurisdiction to study our process. We now have a complement of nine CL-215 water bombers. We have crews that number some 2,000. They correspond with the number of people who are needed at a particular time. The number in the crew does not really have significance as to the numbers we ultimately send out to fight fires.

I believe the record we have in Ontario for being in the forefront of those people who know how to fight forest fires has been proved and we continue to have some of the best management in forest firefighting anywhere in the area; in the world in fact.

**Mr. Hampton:** I see the minister admits the numbers in the regular crews are going to be reduced. One of the statements that was also made was that the regular forest firefighting crews are going to be replaced by emergency crews when the need arises.

I want to ask the minister this: We know the emergency crews are not as well trained as the regular crews. Back in 1979, seven young people died. It was not a forest fire situation; it was a prescribed burn situation. The coroner's verdict that came out of that said that when people deal with forest fire situations, whether it be prescribed burns or an emergency forest fire, they should have something beyond the basic training; they should have more training than that.

What the minister is going to be doing this summer to fight forest fires is send a lot of people in who have just that, only basic training. Does the minister not think he is taking an awful risk in view of the fact seven people have already died, in 1979? It was documented at the coroner's inquest.

1450

**Hon. Mr. Kerrio:** I think the member is going beyond what might be considered good common sense in the question. The fact of the matter is that the modern firefighting crews are much changed from the days he is talking about in the numbers in the crew that respond as part of the initial strike capacity that we have now.

It is quite different from the area he is describing or the time he is describing. We now have equipment that can predetermine where lightning is going to strike, whether there is water with it, whether it is going to start a fire or not and whether the fire itself has reached a magnitude where it develops its own weather and starts fires.

The reason we are going this route is that when we are fighting fires now, we are looking at the basic original strike to put out starts as being the highest priority. We will not jeopardize our crews in any way, much as the member would like to describe it that way. That is just not the case.

The fact of the matter is that there is a very sophisticated way of fighting fires. We are going that route, we are putting the kind of money there to do it and we are putting the resources there to do it. I think the questions the member raises are for quite a different reason than how to fight forest fires in a very good way.

### YORK REGION LAND DEVELOPMENT

**Mr. Cousens:** This question is for the Minister of Municipal Affairs. During the estimates of the ministry in December, the minister stated that the Ontario Provincial Police investigation into questionable land dealings in York region should be finished by either the end of December or very early in January. It is now

the end of January and we have not heard anything about these police investigations yet.

Will the minister please inform the House what is going on with that review?

**Hon. Mr. Eakins:** I understand that the police investigation is almost completed. I cannot put an exact time on when the results of that will be made known, but I am sure it is not going to be very long now.

**Mr. Cousens:** Our party has been calling on this government and this minister to launch a public inquiry into land practices in high-growth areas, in York region and elsewhere. Time and time again, the position of this government has been to support an independent police inquiry into the matter; but we have had no public inquiry, we have had no report from the police investigation and, in fact, we have no faith in the government's ability to deal with this issue.

What is the minister's next move in restoring public confidence in the municipal planning process and the land development practices in York region and other fast-growing areas in the province?

**Hon. Mr. Eakins:** We have never ruled out a commission of inquiry. We said that very early, many months ago, after we received the initial inquiry from the residents, I believe from Mr. Death of Richmond Hill. We have said that we would await the completion of the police inquiry and then a decision will be made. I do not think it would be appropriate to have a commission of inquiry at the same time as the OPP investigation is under way. When that is completed, then that decision will be made.

### WATER RESOURCES

**Mr. Tatham:** My question is to the Minister of Agriculture and Food. You never miss the water until the well runs dry. Last year, we had a drought situation in various parts of North America. In the county of Oxford in 1988, in the month of June and the first part of July, we had very little rain. A number of farmers were looking for a supply of water for fish, for cattle and for crops.

Is the ministry reviewing with other agencies policies that would simplify the procedure for obtaining water so that we have an action plan in place prior to another drought?

**Hon. Mr. Riddell:** As the member may be aware, the Ministry of the Environment has the lead jurisdiction over the allocation of large supplies of water. However, I have instructed my ministry staff, in consultation with the Ministry of the Environment and other groups, to examine

feasible options to assist farmers in the event that the drought may recur this year.

**Mr. Tatham:** Has the ministry identified irrigation management strategies that promote the efficient use of water resources?

**Hon. Mr. Riddell:** My staff has been working this winter, assembling information on current irrigation practices and water use. As part of this work, information is being assembled on current water conservation technologies.

I will say in addition that my staff, in association with the University of Guelph, has been conducting research in the area of efficient irrigation scheduling. Information exchange meetings with interested growers have been arranged through farm organizations and additional meetings can be arranged on request.

So yes, we are looking at this. We are working very diligently on finding ways of assisting farmers in the event that this drought may occur next year, the year after or who knows how long after.

### FUNDING OF SOCIAL SERVICE AGENCIES

**Mr. Farnan:** To the Minister of Community and Social Services: In a letter of June 2, 1988, to Pamela MacGregor, a community worker in Kitchener, the minister acknowledged that the current salary levels are too low to ensure a program of suitable quality for developmentally handicapped persons in the community.

On September 21, 1988, the minister wrote to another Cambridge community worker, David Wilde, that although the situation is serious for agencies which serve the developmentally handicapped, other sectors are in more urgent need, and these areas would receive priority.

Will the minister acknowledge that five months ago he promised to explore approaches for improving compensation levels for community workers with the developmentally handicapped? Will he tell us the nature and extent of his explorations and how he intends to redress the situation?

**Hon. Mr. Sweeney:** The second letter reflects the basic reality that I, as the minister, am faced with; that is, a number of agencies that provide services in communities across the province have brought to my attention the difficulty they have in attracting and holding staff. As the honourable member is well aware, that includes home-makers, foster parents, young offenders facilities and the one that he particularly mentioned, the agencies that deal with services for the developmentally handicapped.



I have indicated that to my cabinet colleagues as part of our long-term strategy. I have been assisted by the Treasurer (Mr. R. F. Nixon) with certain sums of money to gradually bring up those kinds of salaries. The second letter was simply a reflection of the fact that I am allocating those dollars where the greatest need is. That is not for a minute to suggest that there are not other needs, but they are put where the salaries happen to be the lowest.

The member will be aware of the fact that I got approval to place direct operating grants in child care centres because there was a general recognition that salaries in that service were particularly low. We were able to bring those salaries up by \$3,000 to \$4,000, on average, across the province. That is what we are working on. We are gradually working our way up that ladder and providing those kinds of increases in salaries where they are most needed.

**Mr. Allen:** Back to the Minister of Community and Social Services: The gaps that he talks about and that my colleague has talked about are by no means small ones. For example, a residential life counsellor in a comparable community agency would receive \$18,000 to \$21,000, whereas in a ministry public service position it is \$25,000 to \$26,000, gaps of \$7,000 and \$5,000, respectively.

The minister talks as though there is some kind of strategy in the ministry, but his own letters to me on the subject indicate that in fact the gap is growing, not declining. The transfers to the agencies still run at inflation level, while within the ministry they run at seven per cent and above.

Will the minister please explain to us how these agencies can maintain staff morale and maintain numbers and quality of staff in order to deliver the kind of quality service that presumably he wants out of a community agency in his ministry's strategy to base more service on those very agencies? How is he going to get the goods from agencies to which he does not deliver the money to perform for him?

**Hon. Mr. Sweeney:** As the honourable member is well aware, we transfer well over \$1 billion a year to agencies across the province to help deliver those services. We transfer the equivalent of almost another \$1 billion to municipal governments, which in turn either provide the services directly or buy those services from community agencies. There is a lot of money out there.

The member will be well aware of the fact that during the four years that I have been minister, those salaries have gone up to a considerable

extent. We have been able to transfer more money to them. He is also aware of the fact that the needs of all of these agencies are growing continuously. He will recall just late last week in our estimates debates that there was a certain amount of criticism attached to this minister for directing some of the ministry's funds for the cost of administering programs rather than directly delivering those programs. I have to keep those balancing factors in place at the same time.

## 1500

I can simply share with the honourable member that I recognize and I do not challenge for a minute the kinds of figures that he is using—I have those figures at my disposal as well—and that we are working towards dealing with them but we are starting, first of all, where the need and where the spread is the greatest.

We are looking at a whole range of community service programs and recognizing very clearly, as a ministry, that if we want to direct more of our attention and more of our resources towards community services rather than institutional services, then the resource dollars have to be there.

## RADON GAS

**Mr. Sterling:** I have a question of the Minister of Health, in the hope that I can get some kind of answer from her, because I tried to ask a question some two years ago of the Minister of the Environment (Mr Bradley) about the issue of radon gas, which is becoming more and more of a concern and a public health issue, particularly in the area of the city of Kanata which I represent.

As the minister knows, radon gas is a carcinogenic product which is probably causing somewhere between 500 and 1,000 deaths due to lung cancer each year in our country. Canadian standards suggested by the Department of National Health and Welfare, Ottawa, are considerably higher than the United States counterpart. US recommended radon levels should not exceed four picocuries per litre. The Department of National Health and Welfare has recommended somewhere between four and 20 picocuries as a safe level.

Interestingly enough, four picocuries is—

**Mr. Speaker:** Does the member have a question?

**Mr. Sterling:** My question to the minister is: What is the acceptable level of radon gas for Ontario homes set by her government?

**Hon. Mrs. Caplan:** I think the member opposite might find it interesting to know that

radon gas is a naturally occurring gas which is emitted from traces of natural uranium found in all rocks and in soils. It breaks down and causes radon gas.

I can tell the member that radon testing in the home is now available through the Ministry of Labour and anyone who wants to request or has concerns about levels can make the request through his local medical officer of health.

**Mr. Sterling:** The minister has not yet told me what the acceptable rate is for Ontario. If we take the American acceptable rate or the World Health Organization acceptable rate, 13 to 15 per cent of the homes in the city of Kanata would be above that rate and all of the homes in the Ottawa-Carleton area would be above that rate.

What is ironic is that the acceptable level in a mine in Ontario is four picocuries per litre. The fact of the matter is that homes in Kanata and Ottawa—

**Mr. Speaker:** Order. Could I ask the question for the honourable member?

**Mr. Sterling:** What is the minister going to do to protect the people of Ontario in their own homes?

**Hon. Mrs. Caplan:** Whenever issues like this are raised, I want to tell the member opposite that I think it is very important that people have the facts; that is in the public interest. It is important for them to know that acceptable levels and standards are set by the federal government and that testing is available through the local medical officer of health and the Ministry of Labour when anyone has a concern about an unacceptably high standard.

I would say to the member and to all members that if anyone has a concern, he should contact his medical officer of health, who can arrange for testing to be done, and that the levels and standards are set by the federal government.

#### PREPAID SERVICES

**Mr. Faubert:** My question is to the Minister of Consumer and Commercial Relations. A constituent from my riding of Scarborough-Ellesmere recently brought to my attention a problem she is experiencing with a fitness club by the name of Holiday Fitness.

This club sold memberships for facilities that were to be located in the Scarborough Town Centre, and last fall Holiday Fitness decided not to open at this location. The same process occurred at a proposed location in Don Mills. In all, approximately 3,000 members were forced to transfer locations or to apply for refunds.

This constituent and others have been unable to recover their funds to date. Can the minister advise the Legislature what his ministry is doing to assist my constituent and the 3,000 other consumers to recover their investments?

**Hon. Mr. Wrye:** Yes, I can tell the honourable member that investigators from the ministry have been in contact with the owner of Holiday Fitness, who I am advised is attempting to put together some funds to at least provide a partial refund. Those contacts and that mediation effort are continuing.

I can also tell the honourable member that in the Scarborough and the Don Mills situations, we are checking to assure ourselves through our investigation that the owner did not continue to sell memberships after it became apparent to him that those clubs were not going to be able to successfully open.

The honourable member points out that there are some 3,000 individuals involved, and so it is a matter of real concern to us to attempt to at least recover some of the money.

**Mr. Faubert:** I thank the minister for his answer and I will be sure to pass it along to my constituents.

By way of supplementary, I have noticed many examples of fitness companies as well as other similar institutions requesting large deposits or advance payments for their services and then either taking off with the funds or declaring bankruptcy. Can the minister advise the Legislature of any initiatives his ministry has taken to help protect consumers of this province from losing their hard-earned cash in such ventures?

**Hon. Mr. Wrye:** One thing that the honourable member should know and would want to tell his constituents and that indeed it is important to remember is that since October of last year, we have had the Prepaid Services Act in place. Constituents in the Holiday Fitness and other such areas who have had the problem in the past will not in the future suffer the same kind of consequences.

We have under the Prepaid Services Act provided for the trusting of any fees that are paid by the member's constituent and others, in terms of membership fees and indeed in terms of fees to join the club in initiation fees in the first instance. We have also made provisions that these annual fees, which are all that a club can ask for, can be paid on an instalment basis, so that the vulnerability of consumers is not very great indeed.

I do not think we can assure the people of Ontario that no fitness clubs in the future will go out of business. I can assure the honourable



member and the House, though, that I think under the Prepaid Services Act the exposure that consumers face is much more minimal than it has been in the past.

### HOMES FOR THE AGED

**Ms. Bryden:** I have a question for the Minister without Portfolio responsible for senior citizens' affairs. A week ago I drew to the attention of the House the shocking news reported in the Sunday Star of January 22, 1989, that two senior residents of retirement homes had been found frozen to death outside the homes in January.

I am told that one victim resided in Meadowcroft Place, a privately operated retirement home in Etobicoke, and the other resided in York Manor, a publicly operated home for the aged run by York region in Newmarket. Apparently, the seniors had wandered outside in bitter winter weather and were unable to find their way back in or alert anyone inside.

My question to the minister is this: Since there are no provincial regulations requiring such residences to have specified security and alarm systems and adequately trained staff to respond to alarms, will she make a commitment to give this matter top priority and develop provincial regulations and a licensing system as soon as possible so that tragic events of this kind will not be repeated this winter?

**Hon. Mrs. Wilson:** I would inform the House that the two deaths the honourable member raises are now the subject of coroners' inquests, and I look forward to receiving the recommendations which will come from the coroners. All the facts will be brought forth and will be made available to the public at that time. Those recommendations will be considered very seriously as we move towards the discussion of standards of care in rest and retirement homes.

We have asked the public for its input. I have now received more than 78 briefs on the issues. An advisory committee made up of experts from around the province is meeting and has told me it will give its report to me in March of this year.

We have also completed an inventory of rest and retirement homes in the province, and this will be published very shortly. Prior to this time we have not had a great deal of knowledge about the industry and we found it is a very complex one, ranging from small homes that may charge about \$20 per day and offer very little to very luxurious homes which may charge in excess of \$100 per day and offer a great deal in the way of amenities. We are working now with the

information we are gathering to move towards discussions of the best way to regulate standards.

1510

**Mr. Speaker:** Thank you. That completes the allotted time for oral questions and responses.

### PETITIONS

#### SENIOR CITIZENS' APARTMENTS

**Mr. Harris:** I have a petition which is a follow-up to one that I presented earlier. It reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas in 1973, the Ontario Housing Corporation constructed a senior citizen complex, consisting of a senior citizen apartment building located at 135 Worthington Street West, in the city of North Bay, and

"Whereas it has come to our attention that senior citizen apartments have been rented to nonseniors;

"Be it resolved that we the undersigned support the establishment of a regulation whereby senior citizen apartments be made available to seniors only."

This is signed by about 250 seniors, in addition to the 300 or so I tabled a couple of weeks ago.

#### YORK REGION LAND DEVELOPMENT

**Mr. Cousens:** This is a petition, one of many that I have yet to present. I do not want to give them to the House all in one day as this government will be inclined to forget it unless we make more of an issue of it.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the dramatic growth in York region has placed extreme pressure on the municipal planning process and, given that serious allegations have been made regarding the integrity of this process in York region, we strongly urge the provincial government to conduct a full and open public inquiry into the municipal planning process and land development practices of York region."

It is signed by myself and submitted to the House.

### INTRODUCTION OF BILL

#### TOWN OF MARKHAM ACT

Mr. Cousens moved first reading of Bill Pr79, An Act respecting the Town of Markham.

Motion agreed to.

## ORDERS OF THE DAY

### TIME ALLOCATION

(continued)

Resuming the adjourned debate on government notice of motion 20.

**Mr. Speaker:** Does the member for Cambridge have any further comments?

**Mr. Farnan:** Yes, I will continue where I left off on Thursday last. Basically, at that stage I had talked about the process of receiving input from the public of Ontario as the committee toured the province. At that time, I noted that the government did not appear to be listening to the public.

Following that stage, we then went into the clause-by-clause discussion of these two bills in the standing committee on administration of justice. There was no indication that the Liberal members of that committee were prepared to listen to the arguments put forward by myself and by my colleagues in the New Democratic Party, the member for Etobicoke-Rexdale (Mr. Philip) and the member for Rainy River (Mr. Hampton).

Basically, what we attempted to do during the clause-by-clause discussion of this bill was reflect, in amendment form, all of the suggestions—the most important suggestions—that were received from the people of Ontario as we went across this province and received their briefs and presentations.

Every time that we put forward an amendment of substance that reflected what the people of Ontario said, we were defeated. I have to point out the fact that the votes on all occasions were the majority Liberal members of the committee using their majority vote to defeat the combined votes, in most cases, of the New Democrats and the Progressive Conservative members.

Following clause-by-clause discussion, we came back to the House, where we hoped to have constructive debate of these two important pieces of legislation. I point out that, contrary to the views that have been expressed by the Premier (Mr. Peterson) and members of his government that there has been exhaustive debate on these bills, it is just simply not true.

What we had was several months of public hearings during which we heard from the people of Ontario, but the government refused to listen. We had clause-by-clause in committee, which amounted to possibly about 50 hours of discussion at public hearing. Of those 50 hours, only four hours were spent on clause-by-clause discussion of Bill 114. That is the legislation that

is supposed to provide protection for workers who will be asked to work on Sundays.

So on a very major piece of legislation which will affect the lives of possibly hundreds of thousands—indeed, possibly millions—of workers who, in years to come, may have to work on Sundays, there were four hours of discussion. The government then brings in a closure motion limiting debate so severely that if each member of this House were to rise and speak on Bill 113 and Bill 114 over the next three days, each member of the House would get three minutes.

There is a vast number of Liberal backbenchers—indeed, members of the Liberal cabinet—who will not speak on Bill 113 and Bill 114, despite the fact that their constituents—small businessmen, workers, municipal politicians and churchmen—are urging them to speak on this important issue and to reflect the will of their community, that they are opposed to this legislation. The vast majority of Liberal members of this government will be silent on the issue. They will not take their three minutes. It is interesting, but it is sad.

Why would the government force closure? It is an interesting question, especially for a government that wants to be perceived as open and accessible, that campaigned on the premise that it was open and accessible. Why would this government call for closure? There are two reasons.

The first is that the heat on the Sunday shopping issue is back. Just this past week, we had two of the pre-eminent churchmen in our province appealing to the government to withdraw this legislation and to review its policy.

What happened, in fact, is that while we had considerable discussion and emotion around the Sunday shopping-Sunday work issue back in the spring and summer of 1988, the heat was taken off the issue because it went on to the back burner. The issue of free trade and a very emotional federal election absorbed the interest of the public, so the Liberal government of Ontario was spared from the very strong feelings that people had about this legislation.

### 1520

But now that the free trade issue and the federal election is over with, we are in a situation where people are again focusing on matters of significance at the provincial level, and one of the issues that they are focusing on is the Sunday shopping-Sunday work issue.

As I talked to many, many of my constituents in Cambridge this week, their remarks to me were, very simply: "Are they really going to go



ahead and do this? Is the Liberal government going to close its ears to the voice of the people of Ontario, expressed so clearly and unequivocally?" I had to say to them as I met them in the market or on the street: "Yes. There is absolutely no indication that the Liberal government of David Peterson is going to listen to the people of Ontario."

In fact, I regretfully had to say to them that the opposite is true, that this Liberal government is going to go ahead and act in direct opposition to the expressed will of the people of Ontario, the expressed will of every sector of our community. It is going to go ahead and reject the two months of public hearings, when 529 delegations representing millions of Ontarians said to the government: "We want to keep our common pause day. Withdraw this legislation."

Whom is the government going to listen to? It is going to listen to nine delegations that came forward and said, "We are in support of this legislation."

That is one reason.

The second reason the government calls closure is very simple. We saw an example of it in the House today. Mr. Speaker, you will recognize this, sitting in the chair, impartial as you are. You will recognize the fact that this government is embarrassed on a day-to-day basis in this House. My leader, the leader of the official opposition, and my colleagues are raising tough questions—questions concerning health, housing, education, auto insurance, community workers and community programs—and on a day-to-day basis this government is embarrassed.

Indeed, only today we saw in the newspapers that this government has no long-term vision, that it is acting on a crisis-management basis, a day-to-day basis. The truth of the matter, Mr. Speaker, and you will recognize the fact, is that the Liberal government wants to get out of here as quickly as it possibly can, because this government realizes that the longer this House is open, the more embarrassed it will be and the more its deficiencies will be exposed by the official opposition and the third party.

The moment of truth is indeed here. The question I asked when I opened my remarks was this: Is the government listening and is it accessible? If it is listening and if it is accessible, to whom is it listening and to whom is it accessible?

I am going to read into the record some quotations that I gleaned from my travels with the standing committee on administration of justice

as we went around the province listening to the briefs of the people of Ontario.

This is what the people of Ontario have to say about the Liberal government. These are not my words. This is not an opposition member simply attacking the government for the sake of attacking the government. This is an opposition member reflecting the views of the people of Ontario as I heard them, as they were presented in written briefs as I toured the province. This is what the people of Ontario had to say. I can see that the Liberal members are blushing. They are embarrassed, and rightfully so.

"Who really wants this legislation? The lobby groups from the big plazas." That is from the corporation of the town of Orangeville.

"Premier Peterson is being forced to go through with the proposed bill because of pressure from large department stores which want wide-open shopping." That is from Mike Collins, Niagara regional councillor.

"The government of this province is not listening to the wants of the majority of the people who elected them. What in the world do we have to do to get our point across?" That is from Robert Labella, London Chamber of Commerce.

"The Liberals were elected to represent the people in their ridings. The people are saying 'no' to the local option. It seems that everybody is wrong except the Liberal Party." That is from the United Food and Commercial Workers Union, Local 1977.

Indeed, I would like to make a comment on this particular extract from the brief of Local 1977 of the UFCWU because it is a fact that the Liberals are not even listening to the Liberal Party. Mr. Speaker, I see you squirm in your chair, because I know that you are personally embarrassed. Even as an impartial chairman you are a member of the government.

The reality of the matter is that we had the executive vice-president of the Liberal Party of Ontario appear before the committee. She said that it was not discussed in the Liberal Party. It came as a total surprise to her.

**Mr. Black:** Who was that? What was her name?

**Mr. Farnan:** Her name was Sylvia Sutherland, the mayor of Peterborough and the ex-vice-president of the Liberal Party. Not even the Liberal Party was consulted. Not only did the Premier, his cabinet and his government ignore the people of Ontario but they even ignored the Liberal Party.

Let me go on and reflect on the views of the people of Ontario. What were the remarks of those people who were addressing the Premier, who were addressing the government? I am going to go through all of the major players, and I am going to pick out just one or two quotations for each of the major players.

This is what the Association of Municipalities of Ontario said to the Liberal government: "The association is firmly opposed to what it perceives as the transfer of a complex and socially divisive issue by an indecisive provincial government under the guise of municipal autonomy." It is signed by the president of the Association of Municipalities of Ontario.

We have small businessmen. Small businessmen have expressed, right across this province, their opposition.

"If any city in the Windsor-Toronto corridor opens, virtually every city in that corridor will eventually be forced to open due to cities complaining of losing their market share to a city a short distance away"—the Waterloo Chamber of Commerce.

#### 1530

The essence of this bill is the domino theory. We know that all that has to happen is for one municipality to accept the option of opening on Sundays, and then they will succumb to the pressure of the friends of the Premier—the big business lobby. They will open on Sunday and a domino effect will take place. This is what happened in other jurisdictions. This is what will happen in Ontario.

As the opposition parties have pointed out, it will not happen overnight. The sky will not fall in, but over time there will be an erosion of Sunday as we know it, of family values and of traditional values. Of course, everybody recognizes this, except the Liberal government.

The churches of Ontario:

"I want to live in a province in which the vast majority of citizens can share and count on a common day of pause and rest, a common day of recreation and renewal, a common day for visiting and sharing and, yes, for some a day of worship"—Reverend Milton Barry, All Saints' Anglican Church, Peterborough, Ontario.

"Very few family-oriented activities take place during the week. Have you ever seen a parade going down the street on a Monday or a Tuesday?"—John Montgomery, vice-president of the UFCWU.

"This legislation is anti-worker. In our home, Sunday is the one day a week we can spend valuable time together as a family. This is one

day we can plan months ahead for family gatherings, birthdays, Father's Day, Mother's Day, time with grandparents, help with school projects, etc."—Mabel Hadley, retail worker, Lindsay, Ontario.

"We believe that the government should give greater consideration to the wellbeing of the family unit in Ontario. Legislation should be aimed at strengthening the family and not tearing it apart," the Church of Jesus Christ of Latter Day Saints, Oshawa, Ontario.

"Who will attend community events we are so proud of providing?"—Karen George, mayor of Brantford.

The tragedy is that workers, trade unionists and churches have fought side by side for over a century to try to get better working conditions for workers. This is reflected in the next quote.

"Have we forgotten the hard fight of our ancestors for just conditions of work? If we remember what they struggled for, which included a humane workweek, allowing time for their families, we will not lightly turn the clock back to a time when competition for dollars ruled the lives of both workers and employers"—from the office of Catholic Family Life, the archdiocese of Toronto.

From an average citizen: "I am sick and tired of my taxes being paid to rejuvenate sagging downtowns and at the same time the government enacting legislation which would accelerate their decline."

From a small businessman: "We will have a situation where malls are promoting heavily to attract Sunday shoppers and the result will be shopping dollars spent in large regional shopping malls at the expense of downtown or city centre stores."

I am going to wind up my remarks, but those examples are simply a reflection of examples that have been put forward in the hundreds of briefs—there were over 529 briefs—opposed to this legislation. There were nine briefs in favour.

Whom then is the government listening to?

We have established that it is not listening to the Liberal Party. It was never a policy position of the Liberal Party. It was never discussed within the Liberal Party. Liberal members were given to believe that this was not the policy of the Liberal Party and were surprised and shocked, as was the mayor of Peterborough, Sylvia Sutherland, for example, who said, "It came as a complete surprise to me when the Premier announced this position."

It was not a Liberal Party position. It was not something wanted by workers. It was not



something wanted by churches. It was not something wanted by small businessmen. It was not something wanted by municipalities. Who in the hell wanted this legislation? It was the big business friends of the Premier. That is who wanted this legislation.

It is a shame that Liberal members in this House will not exercise their right to their independence to vote independently on this issue. I am going to conclude with an appeal for a free vote by the Reverend Jones of the Anglican Diocese of Huron when he said this to the committee:

"At the very least, it would seem to us that on a matter which affects the private lifestyles of so many people, the vote in the provincial Legislature should not be governed by party politics but rather by a free vote of conscience."

I am going to appeal to our listening audience and to the people of Ontario to examine this fact: Every municipal politician in the region of Waterloo, when asked about Sunday shopping, "Are you in favour of this legislation?" said no.

The workers do not want it. The businesses do not want it. The churches do not want it. Municipalities do not want it.

Is it not strange that every Liberal in this House is going to vote in favour of this legislation? Is it not strange that the 48 Liberals in the last House, in a minority government, all supported a common pause day? It boggles the mind that when they were a minority government, every Liberal in that minority was in favour of a common pause day. Suddenly they are given a majority government, they are given 95 seats at the time. All 95 Liberals now are in favour of the legislation, which is a direct contradiction of the legislation that was there previously.

What that says to me is that party discipline has been exercised on this issue and that the Premier's words in this House when he said there was a free vote are not true. Indeed, the vote will reflect that the Liberals will do what they are told, in the hope of a parliamentary assistant position or whatever, and they are going to ignore the constituents who sent them here, the people whom they represent.

The people of Waterloo will look at the members for that particular region, and those members know that the vast majority of voters in the Waterloo region, the vast majority of voters in Brantford, the vast majority of voters in Guelph, are going to be ignored. The Liberal members who represent those ridings are going to ignore the constituents of Brantford, Guelph, Kitchener and Waterloo, and that is a total

disgrace. They were sent here to represent those constituents, and because they are being told what to do, they are going to ignore the constituents who sent them here and who have spoken in such a singularly clear voice.

In conclusion, I want simply to say that the people of Cambridge have been outstanding in expressing their views. In public forums, in letters and in petitions, the people of Cambridge have sent a very strong message to this assembly. I think they reflect the views of the people of the province. I want to go on the record as saying that it has been a great privilege for me to be the spokesperson for the people of Cambridge in reflecting their views in this House.

#### 1540

I am sad to report back to them that the Premier and his government are simply saying: "We heard what you said, but it does not mean anything to us. We're going to go ahead, despite what the people of Cambridge say, despite what the people of Ontario say."

Peter Hoogendam, the furniture store owner in Kingston, Ontario, said before the committee, and he was talking to the Liberal members on the committee, "Rest assured, we will remember."

There is a political price that the Liberals pay for ignoring the people of Ontario. This issue will not go away, and come the next election the members from Brantford, Guelph, Kitchener and Waterloo are going to be reminded by the voters in my region that they ignored the wishes of the people and they do not deserve to be re-elected and to continue to represent that area.

**Mr. B. Rae:** Mr. Speaker, I want to speak very briefly in this debate. I have already indicated to you that I think this imposition of the guillotine is unjustified. It is unworthy of the democratic process that we would come to this, in terms of the government using its majority to simply force through legislation without any significant change and without listening to the vast numbers of people who are so strongly opposed to it.

I also want to signal to you, sir, that we have fought this battle now for many, many months, indeed many years, and it has become perfectly clear to us that the government is bound and determined to have its way. To put it bluntly, we can add that we know the government, if this is what it is determined to do, can in fact force the House to vote and can, according to you and your ruling, sir, close off debate.

I want to make it clear that I think the government is making a very significant mistake. I think the legislation they are proposing is

wrong, and I think their approach to this whole subject has been very wrong. They have had opportunities many times along the way to change their minds, to change the bill, to change the law, so that people would have more protection on Sunday than they now have. At each and every opportunity when they were presented with that chance to do something to change the legislation and to change the law, they decided not to do that.

For example, a recent letter I have received, and which I would like to read, signed by the Reverend John W. Van Stenford, who is the clerk for the Classes Toronto of the Christian Reformed Church, indicates and really reflects the views of a very substantial number among us. I simply want to read it to the members, so they get a chance to get some feeling for the opinion that is out there. They say:

"Today, January 26, the undersigned representatives of congregations, consisting of approximately 10,000 members living in and around Toronto, considered the pros and cons of Bill 113 and Bill 114. We are deeply concerned about their possible negative implications for the life of our families and that of our neighbours as well as for the social fabric of our communities.

"As these bills now read, they do not promote a common day of rest, nor do they protect the workers' social rights and employment security. In fact, they do the opposite. They undermine—not intentionally, we trust—the working people's opportunity to spend adequate time with their spouses, families, friends, neighbours and relatives or at worship, if they wish.

"Increasingly, they will be confronted with conflicting work schedules. As a result, this legislation will further limit people's ability to contribute to the development and maintenance of a quality way of life so essential to the social and spiritual wellbeing of our children and grandchildren and the potential of our communities and our country.

"In view of the biblical principles of love and justice, which we as Christian Reformed Churches share with many other faith communities, we sincerely appeal to the government and the opposition parties to exercise their public office for the common good. We urge you to make appropriate amendments to Bill 113 and Bill 114 that would substantially reduce all unnecessary Sunday work and significantly strengthen the worker's social rights.

"Furthermore, the legislation should protect human rights and freedoms of religious minorities. Your nonpartisan co-operation for fairness

and public justice for all people is greatly appreciated. May God grant you the wisdom to act responsibly. We look forward to hearing from you."

It is signed by several representatives of the Christian Reformed Church.

I think members can see from the letter which I have read, and indeed from thousands of others which we have read in this House, that there is a sense out there that the government has been unreasonable; that it had a chance to amend the legislation and chose not to do so; that it has had the chance, and still will have at this late date, at the conclusion of this debate, the opportunity to effect some change. I guess I simply want to say that the government has this chance now to make some changes. I hope very much that it will take the opportunity to make the changes that are necessary.

I think the bill is a bad one. I think that both pieces of legislation—the one which in effect will give the municipalities the option to open Sundays generally across the province, and the second which will provide no real protection for workers who do not want to work on Sunday—are dramatic steps backward. I think we need a provincial law that sets a common standard for Ontario. I think the best labour legislation we could have would be Sunday closing legislation. Anything else is very inadequate and does not really meet the situation, the requirements or our needs.

Mr. Speaker, in closing, I want to say that in your ruling, sir, I think you have established a very dangerous precedent. I think it is a terrible precedent to say that the majority can in effect, without so much as a by-your-leave, amend the standing orders and simply force through legislation as it wishes. With great respect to you and to your office, I think it is lamentable that we did not convince you that minorities need more protection in this House, and that is particularly true when you have a government the size of this one.

I think we are now living with rules and with precedents in this House which will not stand democracy well at the end of the day. It would be far better to have real consensus among all the parties as to how the business of the House should be ordered and some greater willingness on the part of the government to at least listen to those of us who are in opposition to what it is trying to do.

**Mr. McCague:** I did not object to giving up a little time to the Leader of the Opposition to make some parting remarks as he leaves for a plane. I



presume it is to Ottawa to see what his chances are in the next leadership convention.

**Mr. Smith:** Where they have Sunday shopping. They voted in favour of Sunday shopping in Sault Ste. Marie.

**Mr. McCague:** That is very true.

**Hon. Mr. Riddell:** How many times have you and I Sunday-shopped when we were in committee, George?

**Mr. McCague:** I am pleased to address this motion. Anything I can do to agitate the Minister of Agriculture and Food (Mr. Riddell), I will be glad to do. I know that what I will have to say about this motion is exactly what he would say if he were reflecting the thoughts of his constituents. However, he will find in the area of cabinet solidarity a little difficulty doing that.

**Hon. Mr. Riddell:** My constituents like the Sunday closing bill. It is a Sunday closing bill.

**Mr. McCague:** He may even be absent the day that the final vote is taken.

It is a pleasure to comment on this motion, because I consider it my job to reflect the thoughts of the people in the good riding of Simcoe West, many of whom, somewhat over 2,000, have conveyed to me their thoughts on the matter. I think the same applies to me as to all other members of this House, especially in the more rural parts of the province—somewhere around 75 per cent to 85 per cent of people who respond are opposed. There may be a silent minority out there that chooses not to divulge its wishes in this matter, but I know that all rural members of this House, if they have done any surveys at all, will find that those opposed to shopping on Sunday are in the area of 75 to 85 per cent.

**1550**

It was quite some time ago that the government House leader introduced the motion we are debating today. It is a little hard to keep truly on subject because this motion does involve Sunday opening and closing and working conditions, so I think it is about time we read the motion back into the record again. After four or five days, I am sure the viewing audience has forgotten what it was all about.

**Mr. Conway moved:**

"That, when the order is called for resuming the adjourned debate on the motion for adoption of the committee report on Bill 113, An Act to amend the Retail Business Holidays Act, not more than one sessional day shall be allocated to this order and that at 5:45 p.m. on that day, the Speaker shall put every question necessary to

dispose of this order"—just one day, and one day in this kind of debate means a maximum of three hours, hardly enough time to truly debate a matter of this importance.

The motion goes on to say:

"And that notwithstanding standing order 66(c), there shall be two sessional days allocated to the consideration of Bill 113, An Act to amend the Retail Business Holidays Act, and Bill 114, An Act to amend the Employment Standards Act, together in the committee of the whole House. At 5:45 p.m. on the second of these sessional days, the Chairman shall put all questions necessary to dispose of every section of both bills not yet passed as well as the titles and shall report both bills forthwith to the House, and that the question for the adoption of the report of the committee of the whole House on both bills shall be put forthwith and decided without amendment or debate.

"Further, that there shall be one sessional day allocated to the consideration of Bill 113, An Act to amend the Retail Business Holidays Act, and Bill 114, An Act to amend the Employment Standards Act, together at the third reading stage and that on that sessional day, the Speaker shall interrupt the proceedings at 5:45 p.m."—Mr. Speaker, you must feel a little uneasy about interrupting the proceedings just to have a vote—"and put all questions necessary to dispose of the order for third reading of the two bills.

"Finally, that in the case of any division requested during the time that these bills are being considered, the bells shall be limited to 15 minutes."

I do not know what would happen if the two opposition parties did not show up for the vote, but it would be interesting to see. I presume the government would use the same guillotine, sledgehammer method it is presently using to limit debate on this and make it a *fait accompli*.

In the riding of Simcoe West there are two municipalities that are open on Sundays: Wasaga Beach and Cookstown. Those municipalities use the tourist exemption, which seemed like a legitimate enough way to be able to remain open, and people in the area do not object to those two municipalities being open on Sundays. What they do object to is any further openings in the area.

I suggest to the members that these bills are both kind of a knee-jerk reaction to the odd problem that showed up with the legislation, the status quo. I do not think anything was broken and therefore the best advice I could offer is, "Don't try to fix it."

I am sorry the House leader, the member for Renfrew North (Mr. Conway), is not with us at the moment. I think he is plotting some further strategy. I was always interested in listening to two people in this House, particularly when they were in opposition, the House leader, the member for Renfrew North, and the Treasurer (Mr. R. F. Nixon), and in reading back to them, as has been done on many occasions but not in their totality in any way, the quotes they made when they were in opposition.

I think those two honourable gentlemen felt at that time that what they were saying was true. If that is the way they felt, why is it not still true today? There are all kinds of things those two members have said that have come back to haunt them. They of course just smile and get out the sledgehammer and bring in this time allocation motion. It is closure. No matter what the government wants to say, it still is closure.

The member for Renfrew North said such things as, "Quite frankly, as my colleague and leader has indicated, it is an experience and rule among lawyers that difficult cases make for bad law." Now, the honourable member for Renfrew North is not a lawyer, nor am I. I just do not understand that having said that, he would proceed in the fashion he has now decided to do.

He said, "I would very much like to see the resolution of this deadlock by means of the framework we have evolved here since my arrival here seven years ago"—this was in 1982 and he is still here—"namely, the House leaders' panel, because I do not want to see this kind of new order born in the middle of this kind of deadlock and difficulty."

Those of us who have listened over a period of years to the honourable member for Renfrew North know of his eloquence and how those words just flow out of him. Obviously, he forgot those over a period of seven years and does not remember the remarks he made on December 8, 1982.

Another quote from the honourable member is, "Notwithstanding what some in the government may feel, I think we threaten to poison this parliamentary well if we proceed in this debate by writing into our rule book this kind of time allocation."

He goes on to say, "I reiterate, we have been able to do the business of this Legislative Assembly for a long time, through wartime, through the Great Depression and much acrimony, without the time allocation procedure."

There are many more of those kinds of quotes that flowed from the lips of the member for

Renfrew North, the present House leader of the Liberal Party. I suppose that when he said those kinds of things, he never really realized that he might some day be in the position of House leader, that the member for London Centre (Mr. Peterson) might be the Premier or that he would be in any position to have those words read back to him.

Well, there he is over there today. I suggest to the members that with this kind of action, this kind of motion, this kind of government, he will not have to worry about what he does after the next election. He will be back over here making those same kinds of statements.

But I do feel a little sorry for the member for Renfrew North because he is after all a member of a very, very large, out-of-control government. I do not label that as Liberal politics any more than I was happy there were so many members of the previous Progressive Conservative government in Ottawa. I think when things are so lopsided, it is poor government.

I can recall the fear I had when I first came into this Legislature. We had a majority at that time but a minority came along very shortly afterwards. I was fearful that minority government was poor government, but I very soon learned minority government is the best kind of government there can be. The members have to have a little give and take. The policies that evolve, I suggest, are not that bad for all of society, and I think they are balanced. But when we get a large majority government as we have here, we are continually having things thrust on us, against our will, and there could not be a better example than this Sunday shopping legislation.

## 1600

I know for a fact that many of the members on the other side feel they are going to have to vote against their will or else they are going to have to stay out of the House when the vote is called. The Premier kind of led some people to indicate it would be a free vote. I think I have been in government long enough to know how things work.

There will be some of those who will be asked very quietly to vote with the government. Those who will be most inclined to do it will be the ones who think they have the best chance to get a cabinet post during the next shuffle. Then there will be those who feel so strongly, like the member for Ottawa West (Mr. Chiarelli), that he may stand in his place and vote with the opposition on this matter. However, there will be many who will be away at the time the vote is



taken, and therefore their true wishes will never be recorded and maybe not even ever known.

One of the big selling points we are asked to purchase from the House leader is the fact that there has been so much time spent on this subject both in this House and in committee, and also now when the bill returns to the Legislature. The government is inclined to forget that much of the time in committee was spent hearing delegations, both for and against Bill 113 and then Bill 114.

On Bill 113 and Bill 114, I understand there were about 522 oral and written presentations made to the committee. Of those 522, as I understand it, there were only some 30 groups that indicated a measure of support for Sunday shopping, but not all of these groups were in agreement with the Liberal legislation and the local option. Very few—I understand nine or 10 in total—expressed total support for the Liberal legislation. That is 10 out of 522. Less than 10 per cent of the total were in agreement and more than 90 per cent were opposed.

There has been a lot of talk about the time spent in here on this motion. The Liberals claim the Sunday shopping bills have been studied and considered for nine months, including some 60 days of legislative debate. It might be worth while to explain what 60 days really means when one breaks it down in terms of hours. I believe that on Bill 113 there were approximately 200 hours spent, and on Bill 114, approximately 128 hours.

If the government agreed to public consultation in the committee process on these two bills, which it did, and the opposition to them is so overwhelming—90 per cent opposed, less than 10 per cent in favour—why then would a government ever think it could get away with pushing this down the throats of the opposition parties? I am here, as I said before, to express to the members the will of the majority of my constituents. Constituents there are telling members of both opposition parties that they want us to use every mechanism within our power to stop this bill.

One might have thought the House leader would have stood in his place today, after the fine report from Public Affairs Management that was reported in the press this morning, and said they diddled around in Cabinet Office far too long with Sunday shopping and free trade. We lost the free trade deal. I guess we are about to lose the—

**Mr. Haggerty:** You supported free trade, George.

**Mr. McCague:** You are exactly right.

**Mr. Haggerty:** Your party was with them all the way.

**Mr. McCague:** You are exactly right. When I said “we,” I was talking about the government losing the free trade deal.

The government has two choices. It could withdraw the Sunday shopping legislation if it wished. It does not have to do that because at the next election the electorate is going to hoof the government out anyway if it does not smarten up. Here is their opportunity to redeem themselves, to disprove that group of consultants who told them that everything is out of control, that they are involved in crisis management, that they are like a ship without a rudder. There are all kinds of beautiful things they said about the government, all of which I agree with, as a matter of fact.

**Mr. Miller:** It's like a fresh wind blowing across Ontario and you know it.

**Mr. McCague:** It surely is a fresh wind. It is very draughty. The member for Haldimand—

**Mr. Miller:** No, not Haldimand.

**Mr. McCague:** Whatever it is. He wants to interrupt.

**Mr. Miller:** Norfolk.

**Mr. McCague:** Norfolk. I reiterate that the government does have the option of withdrawing these bills any day in the next couple of weeks. Everybody seems to want to leave this place within the next two weeks.

I notice today that in all parties, the attendance is very low. I guess the reason for that is that a lot of people made plans to go south or to take a family vacation and had it booked some months ago. It is not normal for us to be debating such matters as this in January, but this one is so important that the opposition parties feel obliged to be here to try to drive into the minds of those in charge over there that people are really serious. They do not want this legislation. Talking about constituents, I have given the government that message but I know it just drifted right over its head.

There is an organization, the Association of Municipalities of Ontario. The government likes to say almost daily that they represent the thoughts of the municipal councils out there. What did they have to say to the government on August 9, 1988?

They said, first, the current law is the best. “The municipal delegates unanimously rejected provincial delegation of Sunday shopping to municipal councils.... It is interesting to note that the association has received support from such large urban retail centres as the municipality of Metropolitan Toronto, the cities of Toronto, Mississauga, London, North York, Ottawa,

Windsor and Thunder Bay.” That is what they said.

Everybody keeps talking about Sault Ste. Marie and how it voted for Sunday shopping. That should not be too hard for those people over there to understand. It is a border city. Niagara Falls is the same thing. People have been content and still are content to live with those places being open. They like to go to Sault Ste. Marie for a vacation and probably they would like to shop on that particular Sunday. They like to go to Niagara Falls and they like to go to Port Dover.

Is that in the riding of the member for Norfolk?

**Mr. Miller:** And your leader would go to Port Huron to do his Sunday shopping.

**Mr. McCague:** He might well do that, but where my leader goes and where his people tell him to go are two different things. What we are trying to do is tell the member where to go.

AMO goes on to say, “In addition, municipalities from tourist areas such as the district of Muskoka, the counties of Huron, Simcoe, Peterborough, the city of Niagara Falls and the village of Wasaga Beach have also rejected the government’s proposal.”

**1610**

They are quite happy with the status quo. No consultation, AMO says:

“The association is not being unduly difficult with respect to Sunday shopping.... The Solicitor General and the Minister of Municipal Affairs were advised of the association’s complete willingness and desire to review the present legislation for the purpose of correcting what the government has described as ‘inadequacies’ and ‘unfairness.’” Just a dream. “The association’s offer of co-operation and assistance was repeated at a meeting with the Premier and his cabinet on March 30, but was rejected.

“AMO is concerned that in instances where a municipality, under the provisions of Bill 113, opts to depart from the provincial scheme for Sunday and holiday shopping and passes its own enabling bylaw, the increase in the level of municipal retail activity will bring with it an increased need for such municipal services as police, fire, public transportation, day care and waste management. The need to provide such additional municipal services will mean an increased burden on the property taxpayer, as the costs of such provisions are not recoverable from increased retail activity.”

That is AMO’s side of the story, and it sounds very reasonable to me. That is kind of a learned opinion they gave.

There is another opinion here, given by the mayor of the city of Oshawa on September 29, 1988. I am sure that members of the opposition party will be well aware of who the mayor of Oshawa is. They always mention that with pride. That mayor too has a learned opinion which is in opposition to Sunday shopping.

The House leader is a very eloquent speaker. He has tried in this House to persuade us, the opposition parties and the general public who watch this presentation daily or periodically, that it is not a guillotine-type motion that he has introduced. You would not find any opposition party in any parliament in any province of Canada which would not agree that this a guillotine motion. It is closure at its best or at its worst, whatever connotation you want to put on it.

**Mr. Miller:** It is time allocation.

**Mr. McCague:** I understand. The member for Norfolk says it is time allocation. When the time allocation is over it is closure, so what is he talking about? It is just a matter of how long it takes to open the door and then shut it tight.

However, by about 1991 we will be a combined effort over here to invoke closure on the Liberal Party as the government of Ontario. I must say that the members of the Liberal Party are being very helpful to us with this kind of guillotine motion. They are doing the same thing to the public of Ontario as they are doing to us. It is time allocation and they are allocating their own time too, which is going to be very short.

**Hon. Mr. Riddell:** Don’t hold your breath, George, old boy.

**Mr. McCague:** My voice is not quite as good as that of the Minister of Agriculture and Food, or I could stand back four steps from the mike and still be heard.

Anyway, let’s talk a little bit about Bill 114. It is unfair. It is discriminatory and it is totally unfair and unnecessary. Why is it unfair? The Sunday worker legislation does greater harm than good in that it creates an aura of protection for retail workers but in reality offers little or no protection for the most vulnerable of our workforce, particularly the single parents.

Mr. Speaker, in your riding of Prescott and Russell you must have a tremendous number of people who are opposed to this Sunday shopping. I know that you could, in your office as the chairman of the committee of the whole House, maybe pair off with somebody over here or maybe you could be away, or maybe, as long as you are dressed the way you are in your pleasant frocks, you will want to go to your seat and vote



when this comes up. You are probably going to be all right and you are never really going to have to indicate, like many others over there, what your constituents really think.

However, I just hope that you will see it as a duty of yours in the hours that follow your duties in this House to try to persuade your colleagues that there really are a tremendous number of people, probably 75 per cent, out there in the big, rural Ontario that we represent who are opposed to this legislation. I hope you will be able to see it in your heart and to convey that to the people in power.

This Liberal government has literally singled out a certain segment of our society, the nonunionized retail workers and small retailers, and has made them the unwilling target of a bill that will force them into unwanted situations, situations they normally would never have considered before, having had full discretion over their working preferences and choices in their chosen occupation.

Interjections.

**Mr. McCague:** Am I bothering the member for Scarborough-Ellesmere?

**Mr. Faubert:** Not at all.

**Mr. McCague:** I am glad the member is interested.

**The Deputy Speaker:** Order, please.

**Mr. Faubert:** I am just going to reread your speeches in the debate.

**Mr. McCague:** I will have some other things to say when that time comes.

All we hear from the government is that many people now work on Sunday. It is really a pathetic defence by this 94-member government to base the whole case for opening the thing up and making people work on Sunday on the fact that some people are now working on Sunday.

Sure, we have people working on Sunday. We have people in convenience stores, gas stations, pharmacies, providing essential services. But the vast majority of retailers, nearly 400,000 retailers in this province, do not work on Sundays and they do not want to do so. That message should be clear.

The fact that most retail workers today do not work on Sundays means that with the passage of this unwanted and undesirable legislation, all retailers will now have to reconsider their chosen profession and take into account whether or not they want to work on Sundays. If they do not, they will now be forced to deal with rearranging their lives or facing their employer and, worse still, the employment standards branch.

It is a thoroughly devious statement and a very serious misconception for the Minister of Labour (Mr. Sorbara) and the Liberal government to state that under Bill 114 retailers will have a choice about working Sundays. They will not, in my personal opinion. They will not have a choice because they will have to go up against their employer, and nine times out of 10, when an employee has a battle with his or her employer, the employer wins.

Bill 114 is unfair because it creates unreliable procedures for retailers to follow, resulting in serious uncertainty for all within the retail sector.

**Mr. R. F. Johnston:** You sound like a socialist.

**Mr. McCague:** Now, the member for Scarborough West is accusing me of sounding like a socialist.

**Mr. R. F. Johnston:** It does bother me.

**Mr. McCague:** I know it bothers him, but the New Democratic Party does not have control of caring. I would say that every member in this House cares for his or her constituents. The problem is that when the Premier says "Jump," his Liberal colleagues say, "How high?" and they have to vote for this horrendous legislation.

**Ms. Collins:** It's a free vote.

**Mr. McCague:** The member for Wentworth East says it is a free vote. I tell members that this motion is a lot closer to being closure than the vote will be to being free. The Liberal members are just going to be told what to do. I am sure the member for Wentworth East would like to be in cabinet. I can understand how she might vote when this matter comes before the House, human nature being what it is.

1620

**Hon. Mr. Riddell:** We're most anxious to vote for a Sunday closing bill. It's a Sunday closing bill.

**Mr. McCague:** The Minister of Agriculture and Food is a bit exercised today.

Bill 114 is unfair because it creates unreliable procedures for retailers to follow, resulting in serious uncertainty for all within the retail sector. I apologize to all the members of the NDP party if that sounds too much like something they might say.

This Liberal government offers the test of reasonableness, which is really an insult to any employee with a valid concern about working on Sunday. What an employer considers reasonable may be very different from what an employee considers reasonable. What the mediator from the Ministry of Labour considers reasonable may

be very unreasonable for an employer or an employee. Any mediation process is subject to unfairness when it pits employer against employee in a setting both would rather avoid altogether.

In theory, an employee may have a platform to argue his or her case with this bill, but in practice most employees will not have the power or stamina to ensure that their rights are upheld. This occurs because many retail employees are uneducated and most have to take time to spend in lineups at the employment standards branch, struggling as they often are, juggling their time with two or three different jobs, school and their families.

The bill is discriminatory because it includes the premise that retail employees will have to declare their religious preferences, which may well be the determining factor in an employee's decision to refuse Sunday work. I suggest that is an infringement on a personal right. It is something that does not appear to stand up against our Charter of Rights and Freedoms, which we cherish as Canadian citizens.

The members of the NDP party are a bit upset about the fact that some of the things I am saying are things that they might like to say, but I think the members of the NDP party will agree with me that we and they are here today to try to persuade this stubborn government that it should not proceed with bills 113 and 114. I make no apologies for joining with the opposition in trying to push that forward. My heavens, how stubborn can you be?

**Mr. R. F. Johnston:** Mr. Speaker, on a point of order: I am getting confused by the honourable member's address. He keeps referring to a party with which I am really not familiar. Perhaps it is a party that has status in the province and I am unaware of it. It is this NDP party.

I wonder if he could tell us what the NDP party is. I know there is a New Democratic Party, which I belong to, but I have not heard of the NDP party. Perhaps rather than maligning those poor people, whoever they may be—maybe they are socialists, I do not know—he might clarify this.

**The Deputy Speaker:** Would you be able to tell me under which standing order this is?

**Mr. R. F. Johnston:** I thought you had your book with you, Mr. Speaker.

**Mr. McCague:** I might have insulted the member. I agree that I did make a mistake. It is not the NDP party but the NDP. I have heard words that would fill out the full equation, but I cannot use them at this particular moment. In fact, I forget what they were. My apologies to the

honourable member. Maybe he would stop interrupting and I can proceed.

The government must not realize just how much we cherish the right of our own religious preferences and the blatant discrimination in this bill and in Bill 113 posed by forcing the employer or employee to make his or her religious preference known. Currently, it is illegal for employers to ask potential employees their religious preference. If Bill 114 is enacted, employees may feel it is necessary to explain their religious preferences and beliefs to protect their jobs and refuse work on their chosen Sabbath.

Bill 113 will also place corporations, perhaps for the first time in history, in the predicament where it will be necessary to define religious preference within their corporate bylaws. This is astounding and a literally unbelievable suggestion on the part of this government. It infringes on some of the most sensitive and private rights of the citizens of this province.

I want to tell the members why Bill 114 is totally unnecessary. We say that without any reservation. Everyone from church groups to unions and unorganized labour, mall merchants and major corporations has made it extraordinarily clear to the standing committee on administration of justice that this legislation is seriously flawed, unwarranted and unwanted.

Only some nine or 10 groups have expressed an interest in Sunday work out of a total of more than 500 groups. The desires of the people could not be clearer. There is no mandate for bringing forward this legislation. As a consequence, there is no need to bring forward this bill, which only serves a political purpose, that is, to help the Liberals save face, which it unfortunately does not do with its proposed Bill 113, a bill that clearly no one wants or needs.

We cannot support Bill 114, just as we cannot support Bill 113. Instead, we stand firm in our support of the wishes of the people of Ontario.

I do not know what kind of polling the government has done on the issue of Sunday working and Sunday shopping. We have questions in Orders and Notices of various ministries, asking for the production of polls.

**Hon. Mr. Riddell:** We don't govern by polls.

**Mr. McCague:** The Minister of Agriculture and Food says they do not govern by polls. They take all kinds of polls. I do not know what they do with them. John Diefenbaker had a suggestion one time on what to do with polls. I do not know what the government does with the ones it is taking, but it will not give them to us. I do not



know what kind of a poll they have that persuades them they should be bulldozing this legislation through this Legislature.

The House leader is trying to sell people on the fact that it has been talked about for so long. It really has not been talked about for very long at all when you consider that a full session in the afternoon is probably from 3:30 to 6 in committee, that it is the same in the House and that really the hours are rather insignificant compared to what one would be led to think.

Again, the motion, which I read at the beginning of my remarks, is strictly closure. What are some of the things that the member for Renfrew North said previously, when we were accused as a government of bringing in a closure motion? This could have been any year, but the member for Renfrew North said, "I cannot believe we are seized in the winter of 1982-83 with some parliamentary crisis that forces us into a new avenue, down a slippery slope of time allocation, without which we have been able to function for the previous 115 years."

He said that in regard to 1982-83. I could say, "I cannot believe we are seized in the winter of 1988-89 with some parliamentary crisis." I do not see any crisis here. There is no demand from the constituents, from the people members opposite are the government of.

**Hon. Mr. Riddell:** We were elected to carry on the business of the province and you people have been fooling around for nine months. That's where the crisis is.

**Mr. McCague:** Mr. Speaker, would you mind asking the Minister of Agriculture and Food not to interrupt me?

**Mr. Jackson:** On a point of order, Mr. Speaker—

**The Deputy Speaker:** Order. Does the member have a point of order?

**Mr. Jackson:** Mr. Speaker, I appreciate the announcement by the Minister of Agriculture and Food, but we have badly lost our quorum in this House and I would ask you to recapture a quorum for the members. There is very limited interest on the part of the government.

The Deputy Speaker ordered the bells rung.

1631

**The Deputy Speaker:** A quorum is present. The member may continue.

**Mr. McCague:** Thank you, Mr. Speaker. I appreciate the member for Burlington South (Mr. Jackson) bringing to your attention that there were seven opposition members and seven government members here and that the Minister

of Agriculture and Food did not like what I was saying and was about to leave.

However, when I was interrupted by my friend the member for Burlington South, I was talking about what the House leader and member for Renfrew North was saying. I think this really is a prize quote, because he said, and I will repeat it again:

"I cannot believe we are seized in the winter of 1982-83 with some parliamentary crisis that forces us into a new avenue, down a slippery slope of time allocation, without which we have been able to function for the previous 115 years."

True, in that statement he was talking about the motion, but really it could be said about this legislation, period. Why are we at it in 1988-89? Nobody is pushing them for it. They are pushing it down their throats.

"I really have to say that we must be protected from this kind of majority government stampede...and arrogance."

That is what he thought that day and that is what I think today about the government, so I guess we are not that far apart, given a spread of seven years. He did not think it was right then and he does today; I did think it was right then and I do not think it is right today. I do not know what the change of heart is, but that just happens to be they way I feel about it.

We are all in this House doing our job in bringing to the attention of a stubborn government the wishes of the people in each of our ridings. I cannot understand why they do not listen, but it is obvious that they are not going to. I said earlier and I repeat, for the Minister of Agriculture and Food, that the report that one of his own colleagues did that was presented to the Premier recently, which tells about their lack of direction, how they fought free trade and lost, how they are fighting Sunday shopping—I thought it was an excellent time for the House leader just to get up today and say: "We're withdrawing this legislation. We're convinced. The opposition parties have done such a good job of putting the facts before us that we are persuaded that we should not proceed."

They do not have to do that, as I said earlier. They do not have to do that. Come 1991, or whenever the Premier calls the next election, we can do it then. They can wait for that inevitability, if they like, but it would be nice if they just kind of listened to the people whom they are elected to represent. They should withdraw it today, and let's get on with some important business, something that is not affecting the lives of everyone out there, so many of whom have

spoken to them and said, "We don't want it." I repeat, we don't want it—the members of the opposition party and the people they represent.

Things cannot be that much different in the riding of Huron. They cannot be that much different. They must be telling that to the Minister of Agriculture and Food, but he may have his poor ear turned their way. I do not know.

**Hon. Mr. Riddell:** Because we are being honest. We're telling them what the bill is. You people aren't. We're telling them what the bill is all about. Maybe it's time you people started levelling.

**Mr. McCague:** We are telling them all about everything.

**The Deputy Speaker:** Order, please.

**Hon. Mr. Riddell:** Once you tell them what the bill is about, they are quite happy with a Sunday closing bill.

**Mr. Philip:** The Catholic bishops sure know what the bill is about.

**Hon. Mr. Riddell:** Who is the next speaker over there?

**The Deputy Speaker:** Order, please. Standing orders call for only one member at a time.

**Mr. R. F. Johnston:** Mr. Speaker, on point of order: It is in the standing orders but I cannot remember and I wonder if you can clarify for me whether they say anything at all about a member interjecting while his mouth is full.

**The Deputy Speaker:** Interjections, whether your mouth is full or not, are out of order.

**Mr. Jackson:** Yes, but this time it is full of food.

**Mr. McCague:** I know that the member for Norfolk provided the food that the Minister of Agriculture and Food is eating. What are they, Delhi peanuts?

**The Deputy Speaker:** Order, please.

**Mr. McCague:** The Minister of Agriculture and Food is being very provocative, and I would suggest to you, Mr. Speaker, that you suggest to him that if he wants to say something, he can stand in his place and talk about this motion any time he so chooses. Maybe he would reserve his comments until I am finished. With those few short words, I am finished.

**The Deputy Speaker:** Do other members wish to participate in the debate?

**Mr. R. F. Johnston:** Merci. Je suis fier...

**Hon. Mr. Riddell:** Second time around?

**Mr. R. F. Johnston:** Non, c'est la première fois que je parle... That is one of the problems in

terms of this bill, I say to the Minister of Agriculture and Food. Some of us who have been busy on other committees, who have had other responsibilities, other projets de loi to look after as our responsibilities as critics for the Ministry of Education, the Ministry of Colleges and Universities and other things have not had a chance to speak on this bill.

The government is making sure that we are not going to get much of a chance to speak on this bill as well, so I am here to speak to the order, which is the adjourned debate on the government notice of motion 20, because that seems to be my one way of being able to address the issues around Sunday shopping that we, as members of this House, had been wanting to address for some time. I know most of the Liberal members have just been dying to leap into the fray here and get their words of wisdom on the record and explain to the people of the province why it is that their party promised one thing during an election and is now taking a totally different route and why it is betraying its past principles on this particular issue.

**Mr. Miller:** That is not true. Have you read the bill carefully?

**Mr. R. F. Johnston:** I have read both bills, and unfortunately, it looks like Bill 114, which I—

**The Deputy Speaker:** Order, please.

**Mr. R. F. Johnston:** Am I being lured into a discussion with an interjection?

**The Deputy Speaker:** That is correct.

**Mr. R. F. Johnston:** I apologize if I allowed that to happen.

**The Deputy Speaker:** You will address your remarks through the Speaker and ignore the interjections.

**Mr. R. F. Johnston:** The member for Norfolk and the member for Niagara South (Mr. Haggerty) have both been here for some considerable time, longer than myself. I bow to their accumulated wisdom on such procedural matters as that which is before us as they, as I have heard in their interjections to the past speaker, tried to make a very important distinction between closure or the act of guillotining the rights of the opposition and a quieter sort of motion of time allocation, which makes it sound so much more genteel, as if all we are doing is in fact putting down specific language about the amount of time in which the opposition members will have a chance to express themselves and their opposition to a particular point of view.



1640

**Mr. Haggerty:** How was your trip down south? You've got a good colour.

**Mr. R. F. Johnston:** I will have to ignore that because I would say to the member that it is always dangerous to raise matters of where members have been and I would rather not go into the details of that at this point.

I would say to the member that the colour of one's skin at one time or another is not an issue. What is at issue is the nature of a promise by a government during an election and how that gets retracted once it gets a majority and feels invulnerable. That is what is at issue here.

It is the kind of thing that would have enraged the Minister of Agriculture and Food when he was once a member of the opposition sitting not three seats away from where I am at this point. It would have got him into high dudgeon about the arrogant Tory governments of the past, say in the 1981 period. Maybe some of us can remember some of the debate at that time when, for the first time in this House, the notion of time allocation, that sweet-sounding alternative to closure, was announced by a Progressive Conservative government.

I well remember, as has been recorded by other speakers here, how the current government House leader led the fight for the Liberals of the day in this House, attacking the very notion that we should move towards this thing called "time allocation," this means of curtailment, by a large majority, the actions of the minority within a parliament.

**Mr. Miller:** We really didn't want to do it.

**Mr. R. F. Johnston:** I hear from the member for Norfolk that the government really did not want to do this, but it not only has done what the Tories used to do, but even improved on it. Even the Tories did not have the gall to bring in time allocation on two bills at once, one bill which has only been dealt with in a very perfunctory fashion before a committee, let alone had any discussion at all in this House. I am speaking about Bill 114, to which there has been very little attention addressed as yet by any members of this House, because the primary concentration has been on Bill 113.

Unlike even the Tories, whom the government decried in 1982 for bringing in time allocation at that time and inflicting that particular parliamentary procedure on this House and assembly, this government has actually gone one step further. I regret that the Speaker of the House has concurred that the government has the right to bully this House in that kind of fashion.

So we have the preposterous situation whereby, even if it wanted to make the argument that Bill 113 has had sufficient discussion and that 63 days is appropriate, from the government's majority view about the rights of the opposition, it cannot possibly make that argument around Bill 114. It has had merely—I am speaking directly to you, Mr. Speaker, even though I am looking at the camera, because my profile is not as good as the straight-on, flat look on my face. I want you to know that I am speaking directly to you.

But the government has basically now said that it will even curtail legislative debate on a bill which has had almost no discussion at all in a committee and has had no discussion whatsoever in this chamber, because the government determines that it is a companion bill.

I would suggest to the government that while Bill 113 deals with this question of the right to shop, which stores can be open and how municipalities will decide, and has rightfully taken the brunt of the interest of that committee, Bill 114, which would deal with the after-effect of passing this legislation and gives no protection at all to retail workers who will now be forced, community by community, to start working on Sundays on a regular basis, deserves major consideration and withdrawal.

The government may proceed as it is going to and use its large majority to batter the opposition's point of view and the majority of the people of Ontario's point of view, the majority of people who voted for the government in the last election, who believed that it meant it was going to stick with the status quo and just marginally improve that past legislation as the select committee of this House prior to that election had said. Even though the government is going to bring in that legislation, it is very dangerous, in my view, for it to bring forward a bill like Bill 114 to go along with it.

It is an inappropriate piece of legislation. It does not give any of the protections to workers that are needed if they are going to bring in this other draconian legislation to take away that one day of rest, that common pause day that this province holds very dear.

When I look at this notice of motion, as a member who has not been able to involve myself in this debate or to attend the committee hearings because of my other responsibilities here, but as a person who has been here for 10 years who represents a community that has expressed its point of view to me in a couple of riding reports stating, in a clear majority in each case, that it is

opposed to extended Sunday shopping, I wanted a chance to speak at some length on this bill.

Yet I learn from this notice of motion that there shall be one sessional day allocated to the consideration of Bill 113, An Act to amend the Retail Business Holidays Act, and Bill 114, An Act to amend the Employment Standards Act, together at the third reading stage, and that on that day they will take the votes accumulated, no matter how many there are, and members like myself are clearly not going to have a chance to try to convince the members of the Liberal Party that they should not be blindly following the party line at this stage but in fact should be very conscious of where the majority of the people in their communities lie on this particular issue, and that is, against the change of our present respect for a common pause day, even to the limited degree that we are able to enforce it now in Ontario.

It is a difficult thing at any time for a government to make a judgement as to when enough has been heard and that the fullest of debate has been had and that all members have had a chance to speak. I dare say, and other members of the House can correct me if I am wrong, no more than a handful of the 94 Liberals actually spoken on this. Other than those members who dealt with it in committee, has any member of the Liberal caucus actually had a chance to express his or her point of view on this?

**Mr. Philip:** One.

**Mr. R. F. Johnston:** Have they even put forward their rationale for this amazing change which has taken place—not only a change but a changed promise, going into an election stating a very particular point of view and then bringing in legislation which is counter to that point of view afterwards.

Only one. Only one out of 94.

**Mr. Philip:** The House leader.

**Mr. R. F. Johnston:** The government House leader has spoken on this. What kind of abuse of the process of this assembly is that?

I suggest to the members that it may be that the committee took a long time, in the government's view, 60-some days, to look at this issue; especially, as I said, the Bill 113 section of it. The government may have that perspective, but in terms of this House and how this House operates and what it is for—that is, a forum for members who are elected by specific ridings to express the points of view of the people who have elected them—the members have not had that chance. They have had that taken away from

them in an abhorrent abuse of their power, a restriction to one day of time allocation.

The member for Niagara South, who has since left, said in an exchange in the past that in the old days, with closure, it would be brought in the middle of the night and things were done in that fashion.

I really ask the members: In substance, what is the difference in saying we are going to have one day for all of them, any of those Liberal members, to be able to express themselves on these two pieces of legislation, or members like myself who have not had a chance to participate in this process to involve themselves, when we know that the tradition here will be that those who have been most active in the committee will be the ones who rise and speak for the parties on that day and the time will end with the vast majority of us never having expressed ourselves in this Legislature at all?

This is not time allocation; this is closure.

**Mr. Miller:** We have faith in the bill.

Interjections.

**The Deputy Speaker:** Order, please.

**Mr. R. F. Johnston:** No, it is not just a matter of faith in the bill, because—

**Mr. Miller:** We can make a decision—

**The Deputy Speaker:** Order, please.

**Mr. R. F. Johnston:** Mr. Speaker, the member for Norfolk (Mr. Miller) again is provoking me and, through you, I will respond to his challenge.

It is not just a matter of having faith in it. He should have the right to be able to express himself in this House, other than through interjection. If he thinks the government's position on this is so great, then the standing orders do not allow him, in fact, to make that point of view of his known through interjection, even though that is what he has been reduced to. The standing orders allow them to rise from their seats, in proper rotation, and express themselves, and they have not had a chance to do that.

**Mr. Speaker:** Order, please.

**Mr. R. F. Johnston:** I will suggest to you, Mr. Speaker, that it is impossible, it is completely impossible for more than a tiny number of your caucus to express themselves in the time that your government has decided is appropriate for the allocation for third reading.

None of them participated in second reading that I can recall. Correct me if I am wrong again, but I do not recall anybody talking at second reading. Most of them were not involved in the committee hearings at all. They had other



responsibilities—the perpetual pursuit of parliamentary assistantships, for example. They have not had a chance now on third reading and their own government has cut that out.

1650

If it were a matter of saying that, for some reason or other, it was absolutely crucial for us to be out of this House and doing other matters by the end of next week, that would be one matter. I am on a committee that is scheduled to travel after that point and that could be an argument that is being made. In point of fact, I learned from my House leader today that the government has now come forward with at least two new pieces of legislation.

One brand-new piece of legislation for the Minister of Housing (Ms. Hošek) is going to be introduced, and she wants some part of it passed before we rise from this place. We also have the health services act. The Ministry of Health is now going to be brought on to our table as well, so we will be extended for at least another week, one would presume, disrupting easily half the committees of this Legislature and the work they are doing.

The argument that this is necessary so we can get out and do our business is poppycock. Instead the government wants to bring forward, for instance a health services act, knowing that there is no committee for it to go to. All the committees that can sit are already booked to sit, have already been agreed to by the various House leaders.

It cannot be dealt with during the interim at all. There is no need to bring it in. For the Minister of Housing to insult this House by suggesting that she should be coming in with legislation now at this point and demanding passage of certain parts of that before we rise is an affront to me as an opposition member and an example of incompetence by the executive council of this province, in terms of knowing what it wants to get through and how it is going to order its business.

It is a slap in the face when added to this notice of motion that wants to give us one day to discuss two important bills, on one of which, Bill 113, the government has reversed its position; and on the other, Bill 114, there has been virtually no discussion of the labour relations aspect, the impact that bill is going to have on the people of Ontario.

This is not the time to deal with the substance of legislation. I am here to speak to a motion that is before me and I regret that because of it I will very likely not be able to speak in the coming debate when we have the one day to deal with the bills.

Governments bring in closure for a number of reasons. They bring in closure when in fact they are truly being stifled by an opposition stopping legislation for which they have a mandate. Any government, whether it was New Democratic, Progressive Conservative or Liberal, would always need to have that goal.

But another situation in which they do it, and that is what is happening here, is when they are getting too much heat; when they have changed their position, when they do not have a public mandate yet have a majority, when in fact they are bringing forward legislation which is the opposite to that which they asked for when they went to the people for a mandate, and when they are tired of having that being said to them publicly in the House and want that legislation to be out there and quietened down for a long period of time before another election so they are not caught with the hypocrisy of a position such as that.

In my view, that is what the government is doing at the moment. It is taking a position which is counter to that which it promised. It is not giving clear parliamentary debate for Bill 114, which needs to be debated. It is doing that because it is embarrassed about its current flip-flop and wants this issue to go away.

Regrettably, the very nature of what the government has done with this legislation means it will not go away. This whole approach it has taken guarantees that it will be very much an issue going into the next election. It may have gone into effect entirely in Metropolitan Toronto and it may all be open Sunday shopping before the next election, or it may be that one or two municipalities have held out as we go into the next election and there are people in each of those areas, whether it is Scarborough or North York, who will be saying: "Why is this so? This is unjust. It's unfair to our businesses. It's unfair to the way we want to operate as workers."

They will come forward at that time and they will chastise the government for it. This is not going to go away. The government's change in position, its turnaround on this is going to come back to haunt it, whether it brings in closure of this sort or it does not.

**Mr. Miller:** We can make a decision—

**Mr. R. F. Johnston:** I am being heckled and I missed it.

**Mr. Miller:** This is not Sunday opening; this is Sunday closing.

**Mr. D. S. Cooke:** You don't believe that any more than we do.

**The Deputy Speaker:** Order, please. The member for Scarborough West is the only one who has the floor.

**Mr. R. F. Johnston:** Gosh, you are a lovely talker, Mr. Speaker. I do love it when you say those things.

I will close my remarks by saying that in the 10 years I have been here, there have been only a few dramatic utilizations of this benign approach to closure known as time allocation. I never believed that democrats—as I presumed both the Premier and the House leader to be, when they attacked as viciously as they did in 1982 the beginning of this approach—would ever come forward with a new angle on it all.

That is to say, they are not just bringing a closure on one bill which has had 63 days of hearings, but they are actually bringing in closure on a second bill which has had virtually two days of hearings and no discussion in this Legislature and which will affect the employment standards of all those people who are now going to be forced by their legislation over the next number of years to work on Sundays.

That is something I would never have expected Liberals to have done, and certainly would not have expected some of the democrats among the Liberals on that side to have brought forward at this time, just for the convenience of the executive council of this province at the moment.

**Mr. Jackson:** I am pleased that this is my first opportunity to speak on the issue of closure of the debate on the two pieces of Sunday shopping legislation. I would like to echo the sentiment of my colleague the member for Scarborough West (Mr. R. F. Johnston) that it is not easy for all members of the opposition to divide themselves between their busy schedules and legislative duties. But we do believe it is essential, when an opposition member wishes to rise in the House and convey the concerns of his constituents, that in no way should that process be limited or inhibited.

I think I am concerned, as a relatively new legislator of only four years' duration in this House, that I am listening to debate on the part of two opposition parties and I am listening to interjections from the governing party on this issue, and I think Shakespeare summed it up when he said, "Methinks thou dost protest too much."

I expressed some concern to my colleagues in the New Democratic Party, because at a critical moment in parliamentary history in this province, in fact in the last session when there was minority government, not a single piece of

legislation could be passed, not a single parliamentary activity could be passed, without the agreement and support of at least one other political party. That is unlike today where the government, with its massive majority, can do whatever it wishes. A form of closure was presented in the last parliament, and it needed the support not just of the governing Liberal party, but also of the third party, the New Democratic Party.

It is interesting, and I would like to speak briefly from Hansard of June 19, 1986. The debate was on the now-famous Bill 94, which is one of many things that have led to the problems associated with our health care system. At that time the Leader of the Opposition, the member for York South (Mr. B. Rae), said:

"We are faced with a choice today. I take pride in the fact that we have consistently been the ones to say to the Liberal Party, 'This is the next step you are going to take.' If this is what it takes to get this bill through, then we are prepared to see that it gets done."

Closure was an element of convenience in that debate. I am not suggesting that this type of conflict of principle, this reversal, is exclusively in the purview of the New Democratic Party. It would be wrong for me to say that. All political parties have invoked closure of one form or another, but what is disturbing for me, as a legislator, is that its frequency in this country and in this province is what is at stake.

#### 1700

I guess it is disturbing that when a government has that massive majority it uses it in such a fashion as the member for Scarborough West has indicated, in that it told the public of Ontario that it supported a common pause day and it ran an election on the promise that it would preserve and protect the elements of restricted access Sunday shopping.

I am concerned when members of the the Liberal Party in Ottawa, after having had an election run on the issue where all political parties advanced their positions—

Interjections.

**The Deputy Speaker:** Order, please. The member for Burlington South is the only one who has the floor. All members will respect the standing orders. The member for Burlington South may continue.

**Mr. Jackson:** In fact, it was during the federal debate on closure on free trade. I want to suggest that free trade was subjected to a national election, a referendum of the people, with the



facts clearly before them with all three mainstream political parties taking their position in a public fashion.

The Prime Minister of this country agreed to a leaders' debate on the subject and even the defeated Leader of the Opposition admitted at the end that the conclusion was that the public had spoken and that the public's wishes should be respected. That, I submit to members, is sorely absent from the circumstances here in Ontario surrounding Sunday shopping.

That is why I am concerned when members of the Liberal Party, in fact a former Liberal member of this Legislature, Don Boudria, stated in the House his opinion on the processes of closure and time allocation. He said:

"Let me speak briefly to the acceptability of the motion proposed by the government. The minister promised to speak to the procedures and promised to demonstrate the precedents making this motion acceptable. I submit the minister has done neither. First, he spoke about a variety of things, some of which had nothing to do with that procedure, and more importantly, he promised that he would demonstrate the acceptability of the motion based on parliamentary precedents. He admitted later that his motion was deficient. He chose to add further assurances to the House, hoping that it would satisfy the deficiencies that are in the motion offered to us."

I submit that the government may as well have heard the same speech here in Ontario from the opposition because the Speaker's ruling was clearly deficient and we still hold by that position.

I am further interested in comments made by a member, John Nunziata, affectionately referred to as the mouth from York South, who in federal Hansard states very clearly:

"The motion of the government would result in a very serious and marked departure from the rules of this House. I would submit to you, sir, that you ought to consider in the circumstances what the extenuating circumstances are that would warrant such a serious departure from the rules of this House."

He went on to say, "I would ask you to take into consideration the rights of newly elected members of this Parliament and, as you know, approximately 130 members of the House are newly elected." In other words, the new members did not participate in this debate previously.

This House is full of new members, virtually all of whom are Liberals. Virtually all of them campaigned in the last election as they were told to do, to take a position in support of the

statement of the Premier that a common pause day would be upheld and respected. That is what they campaigned on. Now that that position has changed, they are surprisingly absent from this debate. Yet their Liberal colleague in the House of Commons is pleading with the government there to allow all of these new Liberal members an opportunity to state their concerns and their convictions as articulated by their constituents.

We have heard from the government House leader as the only official spokesperson for the government in this matter in this debate. Many of us who wish to discuss the issue of closure separate from Sunday shopping are looking for some hope that at least more Liberal members would feel impelled to participate in the debate and to speak their conscience.

I think what is concerning us is that this is a whipped vote, in spite of their protests against it, and therefore it is a whipped silence. When there is an imposed silence, an imposition by one government leader on his caucus, he has badly denied access in this House to a serious and balanced debate.

Therefore, it is inappropriate for that same government to turn and say to the opposition, which is prepared to stand and debate the issue—it is wrong for it to inhibit and close with a time allocation our ability to speak on behalf of our constituents. We did articulate our position in the election, we were duly elected and we are still hearing concerns that are not being allowed to be raised in this House.

I had an opportunity to serve and listen on the committee that travelled this province, the third and final committee. I was shocked and amazed that after two weeks of the hearings that I heard, only one person came forward who was even modestly interested in supporting the legislation. I thought the government would have scared up some support.

The fact remains that there are still elements of that public dialogue which have not been fully discussed and examined by the government of the day. I have an opinion that bad legislation, by definition, is legislation that says one thing and does something exactly opposite or different. Clearly, there are elements of this legislation which give rise to that concern.

I have, for example, a concern that the government states that no retail operator in a mall will be forced to vacate his premises or turn away from his business as a result of this legislation. In cross-examination and documented evidence, when we interviewed Cadillac Fairview, it indicated that clearly it was possible for a retailer

to be separated from his lease before its expiry date because he failed to open on a Sunday. Now that was documented.

It has to do with the fact that we have escalator clauses in our leases in malls in this province. If a retail tenant does not earn enough income during a period of time, then he is forced to leave by virtue of not attaining a certain income level, because the landlord gets a percentage of that profit.

The landlord says this does not constitute a ground for dismissal. He says it is because his profit picture is not positive and that is why he is being asked to leave. The truth is that if Sunday becomes a more active business day and the tenant chooses, for religious or any other reason, to keep his doors closed, he will suffer the financial penalty and be forcibly and financially evicted from a mall residence.

That has been clearly exposed to the government, yet the government persists and insists that small business in those circumstances is not at risk. The government has buried its head in the sand on this issue. I ask all members of the governing party who have their constituency offices in malls if they themselves are going to keep their mall offices open because of the imposition of the mall environment of staying open on Sundays.

The second area which I believe has not been fully exposed and discussed is the fact that this government, through its leader the Premier, is able to clearly state that it has no opinion on whether wide-open Sunday shopping will be bad or good for this province. The Premier is very careful on that point. On the other hand, the Premier has a very clear opinion that the municipal option does not equal wide-open Sunday shopping.

The selective opinions of the Premier are cause for considerable concern, because as we have established through the media and the public, it is clear that the script, as it were, for the government members is to support the assumptions and assertions of this Premier on this subject. I have had occasion to meet with members of this House for breakfast or luncheon or socially and I know many of them have opinions that differ from the government's. I know that those different opinions exist, so it strikes me as odd that the only opportunity we have had to hear those opinions has been through interjections in this House and quite frankly during question period when there was a considerable amount of interjection as well.

1710

That is why, near the end of the committee hearings on Sunday shopping, I called upon this government to send one of its committees—which was actually on its way to New Brunswick to study opposition-free legislatures—I asked this government if it would consider sending several of its representatives to the public hearings in that province. The Liberal government of New Brunswick, faced with no opposition, was conducting public hearings to move away from a local option approach for wide-open Sunday shopping. They were moving clearly in the direction of a tourist exemption, because they realized that the experience in New Brunswick was clear, that local option equals wide-open Sunday shopping.

We have Frank McKenna and his new Liberal government, who in his throne speech made references to wide-open government, throwing open the windows of power for everyone to see there were no doors, no bars, that they had an open government, making a statement strangely similar to the one we had gotten from this Premier four years ago when he ascended to power.

I was disturbed and upset that this government would not even accept an opportunity, when a legislative committee was in the province at taxpayers' expense, to drive even a couple of streets or a couple of miles to the public hearings in that province and come back at least with the model of the legislative reforms being brought in by a massive majority Liberal government in this country. Instead, what have we gotten? Closure. Why? Does the government fear the truth? Does it fear the polls?

**Mr. Mahoney:** If it was closure, you couldn't be speaking.

**Mr. Jackson:** I am pleased that the member for Mississauga West has seen fit at least to utter a two-word interjection. We hope that he would engage in this debate in a more meaningful way. I know that the member's campaign literature clearly stated his support for the position the opposition is taking.

**Mr. Mahoney:** What?

**Mr. Jackson:** You didn't support the Premier in the last election. How on earth did you ever get elected?

**The Deputy Speaker:** The member will address his remarks to the Speaker and ignore the interjections, of course.

Interjections.



**The Deputy Speaker:** Order, please.

**Mr. Jackson:** I have registered my dismay at this legislation, primarily the fact that it does not do what it suggests it will do, and I consider that bad legislation. Although I may have developed opinions before I saw the legislation, after the process of public hearings I certainly came away with an understanding that it was bad legislation.

The questions remain unanswered. Hopefully, with this forum in this House and the opportunity for all members to share equally in the debate with as open a mind as is possible for all of us, we would have been able to amend and improve, particularly in the areas of the complications for the labour force in this province and, as we have indicated and established in the practice of escalator clauses, where it will force a repressive move on small business in mall environments. It is clear that will happen. Certainly, the interests of the large chains will be better served and the interests of small business will not be served.

I could go on. I have many more concerns. I have tabled petitions. I have participated in public debates, certainly during the course of the last election. But today I wanted to put on the record my regret that a government has resorted to closure of convenience through time allocation and that most Liberals sit in deaf silence waiting for the next cue from the Premier as to where they stand on this issue. We would hope that all members reflect on what has happened when they surrender their voice of reason and their arguments in this House. If we do not have any defence when closure is imposed on us, if we have no defence against the government's ability to change the rules for its convenience, then I ask what defence, if any, do we have as publicly elected representatives.

**Mr. Charlton:** I rise to speak on this government notice of motion with some anger and some frustration in my system—my political system I suppose it has become.

We have heard a number of my colleagues, specifically the member for Windsor-Riverside (Mr. D. S. Cooke) and the member for Nipissing (Mr. Harris) last week, and some of the other members who have participated in this debate, read into the record a number of quotes from Hansard, many of them from the government House leader, some from the present Treasurer and some from the Premier himself during debates in 1982 and 1983 on the question of time allocation.

I should point out to the member for Mississauga West (Mr. Mahoney) that his colleagues from the Liberal caucus who were present at that

time and took part in those debates referred to those time allocation motions as closure in the same way that members of the opposition refer to them as closure here this week.

I think in this debate we need, first of all, some understanding of what brought us to the point we are at with this time allocation motion.

I have listened to the Premier, the government House leader and some of the government members, through interjections, talk about the amount of time that has been wasted on Bills 113 and 114.

I want to say to all of the government members that the very fact that we are even dealing with this legislation and that we have wasted vast amounts of legislative time over the course of the last year on Bills 113 and 114 is a reflection of the bankruptcy of this government; that it has nothing better to do with its time than to deal with these kinds of legislation.

I find myself getting angry when I hear the government House leader saying that they have to move time allocation so we can get on with other important business. He is trying to sell a crock to the people of Ontario. It is the government party, the majority party in this House, which orders the business of this House, not the opposition parties.

The government party orders the business of this House, and the government of this province is at liberty to deal with any business it so wishes. The government party in this House is not obliged to bring forward the two pieces of legislation which it knows the opposition is going to oppose in every way that it can until the other business it wishes to deal with has been completed.

So let us not hear from the government any more about how the opposition to Bills 113 and 114 is holding up other important business. That is the choice of the government, not of the opposition benches, and it is part of the procedural scam which we have been through before and which we are going through again here now.

**1720**

I think back to the debates in 1982 and 1983, and I am not going to do as my colleagues have done, start reading all kinds of quotes from those debates into Hansard here today, but what I would like to do is discuss the difference between those allocation debates and the one we are having here today.

My party and the Liberal Party, at the time the official opposition, opposed those time allocation motions. Having said that, I have to give

credit to the former government, now the third party, for having at least seriously considered the importance of the measures around which it felt it necessary to bring in time allocation.

I listened to my colleague the member for Simcoe West (Mr. McCague) earlier this afternoon. I think he spoke somewhat shyly when he tried to compare the two occasions and the two debates around time allocation. Whether or not we in the third party at the time, in 1982, or the Liberals in the official opposition felt that the bill to restrict wages in the public sector was a necessity, the government had committed itself to a program and had to find a way to implement that program and did it very carefully, in a very seriously considered way.

I remember the trepidation with which the government of the day moved into that particular phase of the debate around, I guess it was Bill 179 or Bill 187, whatever it was.

At any rate, the debate was a debate of significant importance, and time allocation was only brought in on a very important matter after very considerable effort on the part of the opposition parties to stall that legislation.

In this circumstance in 1989, having run through most of 1988 we have a situation where we have a piece of legislation which the vast majority of the public in Ontario opposes and where the municipalities, upon whom the result of this legislation is going to be imposed, oppose the legislation. We have a government that is supposed to be electorally accountable ignoring those whom it is supposed to be responsible to, and we have an opposition doing its best to bring some accountability to bear.

As one of the other speakers earlier this afternoon said, there is no pressure anywhere in this province to see this legislation passed by closure. It is more the other way. In fact, there is serious sentiment right across this province that the Legislature is wasting its time considering these bills at all.

I have to reflect. I think back just a few weeks when the Premier stood in his place in this House and referred to Bill 113 as an exercise in democracy. I guess that is one of the things that happens when you get as large a majority as the Premier has achieved in this province in the last election. You go beyond being an elected Premier and become the regal head of state who decides what is best for his subjects, regardless of their opposition and regardless of their protests. He will impose this democratic procedure on the municipalities of Ontario whether they like it or not, whether it will work or not, because he is

right and no amount of opposition can tell him he is wrong.

Let's take a brief look at the two bills that this time allocation motion deals with. Bill 113 is a piece of legislation which, if you sat down and debated it with somebody like the Attorney General (Mr. Scott), somebody who is normally very learned and very competent in terms of the law, all of a sudden he would have great difficulty, because this is a piece of legislation which internally is in conflict; internally it is a contradiction.

On the other hand, perhaps, having said it is internally torn, we have a piece of legislation which is perhaps very skilfully crafted. We have a bill that toughens up the provincial regulation on Sunday shopping, as long as it is left in the provincial domain. We have a piece of legislation that, when it passes, before any municipalities have an opportunity to opt out of it and create bylaws that exempt certain categories of property from it, will force a number of commercial enterprises in this province that presently are open legally open on Sundays under the present Retail Business Holidays Act—hundreds of those establishments—to close under the new provincial regulations in it.

We have also got a piece of legislation that, while it toughens up the provincial perspective on Sunday shopping on the one hand, creates this local option. The municipalities, or in the case of the regional areas of this province the regional governments, have the option of opting out of the legislation, creating their own bylaws; bylaws which can create any rules that their hearts desire, anything at all with no restrictions.

We have a situation where, as I have said, hundreds and hundreds of commercial operations in Ontario that presently are open legally on Sundays will be forced to close under this bill when it passes. What have we done? We have created the automatic lobby to start the opting-out process.

All of those commercial establishments that get closed by this piece of legislation when it passes will be the businesses that go to their local municipalities or to their regional governments and start the process of lobbying those governments to opt out, to pass a bylaw that exempts them so they can remain open as they have been in the past.

The municipalities will have no choice but at least to consider those requests. These are commercial operations that have existed in their municipalities; they have employed people on Sundays. The municipalities will be forced to



take a careful look at those requests. But we all know what happens when this matter gets referred to one of the municipal committees for consideration. The others in the municipalities, those who are not now open on Sundays but would like to be open on Sundays, will be jumping on that bandwagon and putting their additional requests before that committee.

Some municipalities will fight off the temptation and make little or no changes, at least initially, but some municipalities will pass bylaws that exempt certain categories of businesses from this new act, Bill 113. When that happens, the members know what will happen in the municipality or region next door.

**1730**

The member who spoke before me was the member for Burlington South from the region of Halton. I and my colleague the member for Hamilton East (Mr. Mackenzie), who is also here today, are from the next abutting region, Hamilton-Wentworth. If our region or if Halton passes a bylaw exempting certain categories of business from this bill, the other will be forced to consider at least the same.

What will be the temptation in that circumstance? If Halton creates a five-point exemption, then Hamilton-Wentworth will be forced to consider at least that same five-point exemption. But the temptation in that circumstance will be to say: "Let's go Halton two better. Let's go for a seven-point exemption," because that will give Hamilton-Wentworth a little bit of a competitive edge.

What are we going to get into? We are going to get into the municipalities and the regional governments of this province creating laws by competition; not laws by representative—good, well-thought-out local policy—but competitive laws as each of those municipalities seeks that elusive competitive advantage.

The government says that is not what is going to happen. My colleague the member for Cambridge (Mr. Farnan), when he was speaking earlier this afternoon, said it was not going to happen overnight, and it will not happen instantly, the day after Bill 113 passes. It will be a bump and grind process over a number of years, but it will surely lead to a situation where we will have to review it, as New Brunswick is presently reviewing it, 10 or 15 years down the road.

We will be reviewing that situation because we are not going to like the mess we will have created out there. We are not going to like the competitive way municipalities play each other off against the other. We are not going to like the

way that from time to time the commercial enterprises in our own areas lose business because they are one bylaw behind the commercial enterprises in the municipality across the border.

We all know what the legislative process means. We all know that it takes time, that legislation does not get created and passed instantly. It is no different for the municipal and regional governments in this province. Each of them, as this process emerges, will go through cycles of benefit and cycles of disbenefit, none of which will make us ultimately happy.

Why is it that in addition to the public and religious opposition, and the trade unions' and working people's opposition to this legislation, even the vast majority of retailers in Ontario were not in favour of this kind of disjointed approach to Sunday shopping? Even those retailers who favour Sunday shopping would rather see the government of Ontario do it province-wide than go this local option route that creates the bump and grind of commercial politics at the local level.

**Mr. Haggerty:** You've got no confidence in the local councils. That's what you're saying.

**Mr. Philip:** The local councils have no confidence in you.

**The Deputy Speaker:** Order, please.

**Mr. Charlton:** I say to my friend that the local councils have no confidence in the government. They have told the government point-blank, clearly, that they do not want this legislation. The government is forcing it down their throats, treating them like babies and spoon-feeding them.

**Mr. Philip:** What does the member from Mississauga have to say about it?

**The Deputy Speaker:** Order, please. The member will address his remarks through the Speaker.

**Mr. Charlton:** Mr. Speaker, perhaps I could move now for a few moments to Bill 114.

Bill 114, which is also covered by this time allocation motion, is a joke. I have heard a number of members comment on the bill this afternoon. I am going to take a slightly different tack.

Two weeks ago, I joined my colleague the member for Hamilton East in the Ministry of Labour estimates in the standing committee on general government. We had the opportunity for the first time to question the Minister of Labour directly on this piece of legislation. We never had that opportunity in the standing committee on

administration of justice that dealt with the bill because he was not there, and we never had the opportunity in this House because he did not carry the bill here in this House.

First of all, I want to recommend to all the members on the Liberal side that they dig into their Hansards from the general government committee and look at the responses of the Minister of Labour to the questions we raised on Bill 114, because those responses substantiate everything we have said and everything the trade unions have said about the inadequacies of this piece of legislation.

The Minister of Labour in his own words said this bill does nothing to protect even retail workers. When we raised with him what will happen to a retail worker who refuses Sunday work, his response was that he will not have to work on Sundays until there is an arbitrated decision by the government, by the Ministry of Labour, on whether or not the employer's request for Sunday work was reasonable.

The bill then goes on to set out the criteria that will be looked at in that process. I want you to think about this, Mr. Speaker, and I would like your colleagues on the other side of the House to think about this as well. An employer applies to the government and sets out a proposal for Sunday work because an employee or employees have refused under Bill 114 to work on Sunday. The employer goes before a hearing that will arbitrate whether or not his request is reasonable.

If that hearing finds the employer's request unreasonable, that hearing officer is going to set out in his decision the reasons why the employer's request was unreasonable. That employer is then going to turn around and make a new proposal for Sunday work for his employees and the employees are again going to refuse Sunday work and there is going to be a second hearing a year later. But in this proposal for Sunday work, the employer is going to have dealt with all the reasons why the hearing officer said his original request was unreasonable and all those employees who thought they had won the right to refuse Sunday work are going to be working on Sundays.

The only thing Bill 114 does for them is to delay the inevitability of that fact. There is no protection, just a little breathing space, nothing more.

What is worse is that this government, this Minister of Labour, does not even understand what Sunday shopping means in Ontario. He gives us Bill 114, which specifically refers to

retail workers and does not mention anybody else.

What about all those people who work in the malls, the mall maintenance people? They are not retail workers. They are not classed as retail workers. They have no protection. What about all those security people who work in the malls? They are not classed as retail workers. They have no protection under Bill 114. What about all the service companies that service the retail stores? Those employees are not classed as retail employees and those employees have no protection under Bill 114.

What about all the employees of the companies that maintain the equipment of the commercial operations, the cash registers, the accounting machines and so on? They have service contracts with those stores but those employees are not retail employees. They are service employees who work for NCR Corp. or whatever the name of the company happens to be, and they have no protection under Bill 114 because they are not even mentioned.

#### 1740

Who is it the government has protected? It does not even understand what Sunday shopping is going to mean in the other sectors that support the commercial retail sector in Ontario. It has ignored all those people totally. Then it wonders why we are fighting this kind of legislation to the last straw, and it wonders why, if it wants to get it through, it has to bring in time allocation. The reason is it is bad legislation. It does not do what it says it is going to do, and it does not do for those it has not even taken into consideration what it professes to do for the retail workers.

Time allocation motions, which amount in the words of the government House leader to closure, are motions that should never be brought without very serious reserve on the part of the government that brings them. I am going to have to suggest that not only has this government not seriously considered the ramifications of using time allocation in a trivial situation like this one to force through bad legislation, legislation which ultimately is going to come back to haunt it, but that it certainly has not considered it as carefully as I give credit to its predecessor for doing in 1982 and 1983.

Even though I opposed the time allocation legislation back then, I at least concede that the government of the day more seriously considered its application than this government and this government House leader have considered it here today.



I think there has been an agreement to vote about now, so I will end my remarks by saying that this party can never endorse the kind of bad, silly, unproductive legislation this government is about to force through this House. We will continue to do all we can do to make this government stop and think.

**The Deputy Speaker:** Does the government House leader wish to close the debate?

**Hon. Mr. Conway:** It has been a very interesting debate over several hours. I have had the pleasure of listening to my colleagues—

**Mr. Philip:** Where will all the Liberals be?

**Hon. Mr. Conway:** —including my very good friend the member for Etobicoke-Rexdale, who has favoured us once again with his views on this matter. I really do not think it would be either useful or productive if I were to rethresh the straw of this debate now, some four and a half legislative days long.

I want to say simply in conclusion that I appreciate honourable members have taken the time to express their views yet again on this procedural matter. I repeat that what the government has sought to do with the introduction of government notice of motion 20 is simply this: to say that as a government we have put a very responsible new framework for the more efficient and more enforceable regulation of retail store hours before this assembly and the province.

My colleague the Solicitor General (Mrs. Smith), ably assisted by her parliamentary assistant the member for St. Andrew-St. Patrick (Mr. Kanter), together with the Minister of Labour and his parliamentary assistant, the member for Halton Centre (Mrs. Sullivan), have listened very carefully to what the some 200 presenters have said by way of their submissions as a result of that process. As a result of that process, a goodly number of amendments have been accepted to reflect the constructive criticism

that has been offered by the people in this assembly and elsewhere across the province.

We want now, as we conclude the debate and take the question, to move this debate on to the next stage. The people of Ontario expect that we are going to get on with this business and with other business before the Legislature and before the province. In conclusion, I repeat that I thank honourable members for their submissions in response to government notice of motion 20 and I can tell you, Mr. Speaker, that we as a government are quite prepared now to have the question taken.

**1755**

The House divided on Hon. Mr. Conway's motion, which was agreed to on the following vote:

#### **Ayes**

Adams, Beer, Black, Brown, Callahan, Carrothers, Cleary, Collins, Conway, Cordiano, Curling, Daigeler, Dietsch, Eakins, Elliot, Elston, Faubert, Ferraro, Fleet, Fontaine, Grandmaitre, Haggerty, Hart, Hošek, Kanter, Kerrio, Kozyra, Leone, Lipsett, Mahoney, McGuinty, Miller, Morin, Neumann, Offer, O'Neil, Owen, Patten, Pelissero, Phillips, G., Polsinelli, Poole, Ramsay, Ray, M. C., Riddell, Roberts, Ruprecht, Scott, Smith, D. W., Smith, E. J., Sola, Sullivan, Sweeney, Tatham, Velshi, Ward, Wilson, Wong, Wrye.

#### **Nays**

Allen, Breaugh, Bryden, Charlton, Cooke, D. S., Cousens, Cureatz, Farnan, Grier, Hampton, Harris, Jackson, Johnson, J. M., Johnston, R. F., Mackenzie, McCague, Philip, E., Pollock, Runciman, Sterling, Wiseman.

Ayes 59; nays 21.

The House adjourned at 6 p.m.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Karer, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Mclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reyecraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in  
 each issue. Lists of the members of the executive  
 council, parliamentary assistants and members  
 of committees, brought up to date as necessary,  
 are published in Hansard in the first and last  
 issues of each session and on the first sitting day  
 of each month.

## CONTENTS

**Monday, January 30, 1989**

### Members' statements

Child care, Mr. Farnan .....	7689
Trucking industry, Mr. Wiseman .....	7689
Peter Knight, Ms. Collins .....	7689
Low-rise rehabilitation program, Mr. Breagh .....	7690
Community safety, Mr. Runciman .....	7690
Government relocation, Mr. Daigeler .....	7690
Retail store hours, Mr. Farnan .....	7691

### Statements by the ministry

Ontario Sports Awards, Hon. Mr. O'Neil .....	7692
Boise Cascade cogeneration project, Hon. Mr. Wong .....	7692
Ontario Law Reform Commission, Hon. Mr. Scott .....	7693

### Responses

Ontario Sports Awards, Mr. Farnan .....	7694
Boise Cascade cogeneration project, Mr. Hampton .....	7694
Ontario Sports Awards, Mr. B. Rae .....	7694
Ontario Law Reform Commission, Mr. B. Rae, Mr. Sterling .....	7694
Ontario Sports Awards, Mr. Cousens .....	7695
Boise Cascade cogeneration project, Mr. Runciman .....	7695

### Oral questions

Brewery merger, Mr. B. Rae, Hon. Mr. Peterson .....	7696
Electricity demand and supply, Mr. B. Rae, Hon. Mr. Wong .....	7697
Nursing services, Mr. Harris, Hon. Mrs. Caplan .....	7699
Community safety, Mr. Jackson, Hon. Mr. Sweeney .....	7700
Nonprofit housing, Mr. Breagh, Hon. Ms. Hošek .....	7701
Government's record, Mr. Harris, Hon. Mr. Peterson .....	7702
Science education, Mr. Adams, Hon. Mr. Ward .....	7702
Firefighting, Mr. Hampton, Hon. Mr. Kerrio .....	7703
York region land development, Mr. Cousens, Hon. Mr. Eakins .....	7703
Water resources, Mr. Tatham, Hon. Mr. Riddell .....	7704
Funding of social service agencies, Mr. Farnan, Hon. Mr. Sweeney, Mr. Allen .....	7704
Radon gas, Mr. Sterling, Hon. Mrs. Caplan .....	7705
Prepaid services, Mr. Faubert, Hon. Mr. Wrye .....	7706
Homes for the aged, Ms. Bryden, Hon. Mrs. Wilson .....	7707

### Petitions

Senior citizens' apartments, Mr. Harris, tabled .....	7707
York region land development, Mr. Cousens, tabled .....	7707

### First reading

Town of Markham Act, Bill Pr79, Mr. Cousens, agreed to .....	7707
--	------



**Government motion**

<b>Time allocation</b> , resolution 20, Hon. Mr. Conway, Mr. Farnan, Mr. B. Rae, Mr. McCague, Mr. R. F. Johnston, Mr. Jackson, Mr. Charlton, agreed to .....	7708
---	------

**Other business**

<b>Canadian Forces Base Petawawa</b> , Hon. Mr. Conway, Mr. B. Rae, Mr. Sterling, Mr. Speaker .....	7691
<b>Adjournment</b> .....	7731
<b>Alphabetical list of members</b> .....	7732













CA20N  
X1  
-D23

No. 138

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
**Tuesday, January 31, 1989**

**Speaker: Honourable Hugh A. Edighoffer**  
**Clerk of the House: Claude L. DesRosiers**



Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, January 31, 1989

The House met at 1:30 p.m.

Prayers.

## SUPPLEMENTARY ESTIMATES

**Hon. Mr. Elston:** I have a message from the Honourable the Lieutenant Governor signed by his own hand.

**Mr. Speaker:** The Lieutenant Governor transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1989, and recommends them to the Legislative Assembly. That is signed by His Honour Lincoln Alexander.

## MEMBERS' STATEMENTS

### HUMAN RIGHTS AWARDS

**Mr. Farnan:** On the evening of January 30, the League for Human Rights of B'nai B'rith Canada held our 14th annual Media Human Rights Awards dinner. These awards are "for alerting, informing and sensitizing the public to the nature and value of human rights and the ever-present danger of this erosion and for energetically and persistently bringing forth issues where human rights of individuals or groups are denied or in jeopardy."

Awards are presented in the radio, print and television categories and the quality of work in each field is of the highest professional standard. More important, these media professionals challenge us to be ever alert to oppression and prejudice in whatever guise it may appear.

I want to recognize particularly the contribution made to human rights by Barbara Aggerholm and Luisa D'Amata, reporters with the Kitchener-Waterloo Record for their courageous series of articles entitled "Bigotry in Our Schools" and "The Search for Racial Harmony," for which they received the honourable mention award in the print category. Their work is significant in demonstrating the potential for people at a very young age to be exposed to prejudice.

In accepting their award, they recognized the courage of the young children they interviewed in researching their series. However, the courage of Barbara Aggerholm and Luisa D'Amata must also be recognized. The region of Waterloo has

been enriched by their presence and their significant contribution to human rights.

## HEALTH SERVICES

**Mr. Pollock:** Once again we on this side rise to illustrate to the House the crisis that exists in the Ontario health care system. I refer to an article from the Belleville Intelligencer regarding the Belleville General Hospital where routinely patients are required to spend up to 24 hours on a stretcher in hallways because no rooms are available. Such waits come about in part because 25 per cent of the beds in Belleville hospital are occupied by people in chronic care beds who should be in nursing homes. Waiting lists for virtually every nursing home in the area are already long, and the Ministry of Health has indicated that there appears to be no relief in sight until well into the 1990s.

I have contacted the former Minister of Health and the current minister in regard to establishing a nursing home in the village of Tweed. Currently, 20 per cent of the residents of the village of Tweed and surrounding townships are senior citizens. The Tweed and Area Community Care Group has been tireless in its efforts to see a nursing home built in the village. Clearly, the construction of such a facility would free up much-needed beds in BGH and meet a serious shortcoming in the village.

It appears to me that in view of the situation at Belleville General Hospital, many initiatives must be forthcoming.

## JEAN AUGUSTINE

**Mr. Faubert:** I rise to commend Jean Augustine on an encouraging start as she works towards fulfilling her mandate as chairman of the Metropolitan Toronto Housing Authority.

Ms. Augustine has already garnered unanimous board approval for a 14-point plan to tackle some of the pressing problems. A sweeping antidrug program has been implemented, calling for more policing, beefed-up security, a drug education program and the eviction of those caught dealing drugs. This get-tough program will help alleviate the supply and the demand for drugs in MTHA buildings. Other Augustine initiatives include improving the management of

the agency, improving relations with tenants and regenerating Metro housing projects, all of which she has visited since her appointment.

I have had the pleasure to meet and work with Ms. Augustine in my previous capacity as co-chairman of Scarborough's Committee on Community and Race Relations and as chairman of the National Action Committee on Race Relations. She was vital in the founding of the Etobicoke Multicultural Residents Committee, and her experience in the race relations field will certainly be an asset in her new post.

Jean Augustine always has been committed to assisting the disadvantaged in their struggle for a better life. Her own life story is indeed inspiring to those who would consider themselves disadvantaged. I am confident that her personal experiences, her dedication and commitment to community building, as well as her team approach to problem-solving will enable her to successfully fulfil her mandate. I commend the Minister of Housing (Ms. Hošek) on what already looks to be an outstanding appointment.

#### FUNDING OF SOCIAL SERVICE AGENCIES

**Mr. Allen:** Yesterday, the member for Cambridge (Mr. Farnan) and I pleaded the case of the Cambridge and District Association for the Mentally Retarded as one of many transfer institutions that get money from the government which determines their salary levels. As a result, their salary levels are falling behind those of equivalent workers who are directly employed by the ministry.

The problem at the heart of this issue is that the ministry workers are able to bargain with respect to arbitrated settlements down the road, whereas those in the transfer agencies bargain under the Ontario Labour Relations Act. The result is that the ministry's transfers can be relatively ignored in the bargaining process within the ministry but they cannot be in the transfer agencies.

As has been written recently, the denial of responsibility by the Minister of Community and Social Services (Mr. Sweeney) in this respect violates an important arbitration ruling in 1976 by Kevin Burkett, who ruled that workers must be assured that their concerns and demands do not fall on deaf ears because decisions which determine the course of bargaining, indeed the end result, have been made prior to bargaining by persons who have no involvement in the process, namely, the minister and the ministry and the transfer percentages that they give to the one agency.

The minister, in writing to me about this problem, suggested that he had a solution. He said moving towards community-based delivery services would solve the problem.

**Mr. Speaker:** The member's time has expired.

**Mr. Allen:** All that would do is remove the gap by consolidating all your services at the low end of the wage gap.

#### OVERCROWDING IN SCHOOLS

**Mr. Cousens:** It happened last year, it happened the year before and it is happening again right now in the town of Markham and York region: overcrowding of schools. Each year, the problem comes back. It rears its ugly head because the people in York region keep moving into the community and they expect and they demand the services that they are paying for with their taxes.

Once again, I stand in this House and ask the Minister of Education (Mr. Ward), the Treasurer (Mr. R. F. Nixon) and the Chairman of the Management Board of Cabinet (Mr. Elston) to start thinking about the needs of our children.

In Markham, 700 people attended a meeting in a high school last week because of their children's overcrowding in Brother André Catholic Secondary School. They are meeting again tonight at the York Region Roman Catholic Separate School Board to present their petition to the board asking for help.

#### 1340

The number of students is 1,500 this year; next year it will be 2,200, and the year after that it will be 2,700. They need a new high school, and people know that what happens when you do not have proper accommodation is that the quality of education goes down.

We, as a community, demand more than we are getting. The board of education is trying its best. It will present its figures to the ministry, but I want the ministry to really know that it just cannot slough it aside. They have to put the money where it counts, in the classrooms for the children.

They are our coming generation; they need the help of this government. They do not need promises. We need money and we need that invested now for their education.

#### HEALTH SERVICES

**Mr. McGuigan:** It has been very popular lately for the opposition to criticize our health care system because of shortages, delayed operations, etc. It is true that there are delays of



some surgical procedures leading to complications that we all truly regret. I sympathize with these individuals and their families.

I also sympathize with the Minister of Health (Mrs. Caplan), the Treasurer (Mr. R. F. Nixon) and the Premier (Mr. Peterson). It is a real feat to be financially responsible without defeating the tax system and at the same time provide so much more money to the areas where it is needed most and face the opposition demands for more.

I want to rise today to congratulate our health care system on behalf of Bill McMurren, a constituent in my riding who wrote to us recently. Mr. McMurren's son was the benefactor of a very gruelling but apparently successful operation. It was performed by Dr. Chakravarthi and lasted a total of 24 hours in two 12-hour sessions.

I believe in our health care system and in our health care providers, and I know Mr. McMurren believes in Dr. Chakravarthi and his dedicated surgical team at Hotel Dieu of St. Joseph Hospital in Windsor.

#### TVONTARIO

**Mr. Farnan:** I am in receipt of a letter from Gail Marian, who is the chairman of the TVOntario Action Committee for Renfrew County. Her group is requesting a transmitter to serve the residents of Renfrew county and provide access to TVOntario.

Their community is sparsely populated and predominately rural, which makes television an attractive means of bringing culture, education, information and entertainment to those who are unable on a regular basis to leave their homes or communities to visit larger centres. It affects the elderly, shut-ins and children. They need television which is thought provoking and addresses today's social issues; in a word, they need TVOntario.

It is time the government responded and put an end to the 18 long years of anticipation of the residents of Renfrew county by supporting a TVOntario transmitter.

#### STATEMENTS BY THE MINISTRY

##### RENTAL HOUSING PROTECTION

##### PROTECTION DU LOGEMENT LOCATIF

**Hon. Ms. Hošek:** I rise today to inform the House of the government's plans with respect to the Rental Housing Protection Act.

Before announcing the details of the new legislation, I would like to outline for members the background behind the bill.

In 1986, this government addressed an issue of fundamental importance to all residents of Ontario, the preservation of our rental housing stock. At the time, it had become apparent that the stock of rental housing in the province was rapidly being depleted. This was particularly true of affordable rental housing located in large municipalities. Conversions, demolitions and similar activities were removing rental housing at an alarming rate.

In response, the government brought forward the Rental Housing Protection Act, legislation which placed restrictions on those activities for a period of two years.

Last April, three months before the act was scheduled to expire, I extended the act for an additional year to allow for consultations on permanent legislation.

En même temps, j'avais présenté un document de travail, intitulé « La Loi sur la protection du logement locatif: directions à venir », qui proposait deux plans d'action pour l'avenir: soit d'abroger la loi et de prendre d'autres mesures; soit de modifier la loi et de garder les contrôles avec certaines améliorations.

Au cours des neuf derniers mois, l'adjoint parlementaire du ministère du Logement (le député de York Mills, M. J. B. Nixon) a tenu de nombreuses discussions avec des organisations de propriétaires, des groupes de locataires et des représentants municipaux.

In reviewing all the submissions which were made on this issue, three important factors have become evident to me.

First, it is clear that the market conditions which prompted this government to implement the Rental Housing Protection Act in the first place have not changed to a significant degree. Vacancy rates remain low in most major urban centres and the demand for rental housing remains high at a time of heavy in-migration to Ontario.

Second, it is apparent that we must provide a legal framework to restrict those activities which reduce the stock of rental housing in the province.

Third, it is clear that the existing legislative framework has generally been successful in preventing a reduction in the rental housing stock. For example, in Metropolitan Toronto, only 74 units have been converted since July 1986. In the city of Ottawa only nine units have been converted since that time.

I am convinced that the government must provide permanent legislation to protect the stock

of rental housing and the security of tenants in Ontario.

Today, I am introducing the Rental Housing Protection Act, 1989, to replace the current legislation and to provide more effective and permanent protection for the future.

This new legislation builds on the strengths of the current act and addresses its weaknesses. In that regard, one of the most serious weaknesses of the current act is that it does not apply to vacant buildings.

During the past two years, experience has shown that a rental building can become vacant quite easily, particularly smaller buildings and rooming houses. Unfortunately, in some cases, the means used to empty a building have involved harassment or the illegal eviction of tenants. Such practices cannot be allowed to continue.

Under the new act the same protection will be provided to vacant rental buildings as is provided to buildings with tenants. As well, the section of the new legislation dealing with vacant buildings will be retroactive to today.

This action is intended to protect vacant buildings during debates on the new legislation. I am notifying all municipalities in Ontario of this measure and I anticipate their full co-operation in protecting vacant buildings.

Meanwhile, the new legislation continues controls on activities which serve to reduce the stock of rental housing in the province. Municipal councils are required to approve any proposals to convert, demolish, renovate, sever or change the use of rental housing in Ontario.

The regulations made under this act will allow a municipal council to approve a proposal if one of three conditions has been met: the owner of the property provides accommodation for the current tenants and comparable rental housing at the same rents in the same area; or the building must be demolished or renovated because it has proved to be unsafe for human habitation; or the council believes the proposal will not adversely affect the supply of rental housing in the area.

This final condition is an important one, as it ensures the protection of all rental housing in the province, rather than just affordable rental housing which is protected in the current act.

The new legislation allows for the decision of a municipal council to be appealed to the Ontario Municipal Board. Restrictions on the conversion of rental housing to a condominium apply to all rental buildings in all municipalities in the province.

Restrictions on the conversion of rental housing to a co-operative apply to rental buildings with more than four units in all municipalities in the province. Restrictions on renovations, demolitions and other such activities apply to rental buildings with more than four units which are located in a municipality with a population greater than 50,000.

At the same time, the new act also contains a number of measures that will enhance tenant protection and improve enforcement of the legislation. In cases of harassment, the act provides for the first time for fines or a jail term to be levied against those convicted of harassing tenants. As well, a municipal council may not approve any change to the use of a rental building for a period of three years in such instances.

Meanwhile, new enforcement measures in the act permit the courts to return any units converted without municipal approval back to rental use and to re-establish tenancies in those units.

In summary, the protection of the rental housing stock in Ontario is a matter of great importance to the government. In 1986, we brought forward legislation to halt the depletion of this resource. Today, market conditions are such that the removal of the Rental Housing Protection Act would, without doubt, result in the rapid removal of rental housing across the province.

The current act has proved to be successful in halting activities which reduce our stock of rental housing. With the improvements we have made to the legislation, I am confident that the Rental Housing Protection Act, 1989, will enable us to protect the security of tenants in Ontario and to ensure the future of rental housing stock in our province.

#### ACCESS TO INFORMATION

**Hon. Mr. Elston:** It was just about this time last year that I announced that the government of Ontario had implemented one of the most important pieces of legislation in the history of the province, namely, the Freedom of Information and Protection of Privacy Act. As the minister responsible for the legislation, I pointed out to my honourable colleagues at the time that this act would have a profound effect upon how the government of Ontario provides information to the people of the province.

#### 1350

I am pleased to report today that the second phase of this act went into effect on January 1 of this year. The act now covers 26 district health councils, 22 colleges of applied arts and technol-



ogy, the Royal Ontario Museum, the Teachers' Superannuation Commission, the Ontario Institute for Studies in Education and the Ontario municipal employees retirement system. Information sessions have been held for these organizations over the past year in order to ensure that requests under the act are processed accurately.

The third extension of the act, to local government, will occur on January 1, 1991. In all, some 3,000 organizations in local government will eventually be covered by this legislation.

At this time, I would also like to advise my colleagues that staff in my ministry's freedom of information and privacy branch, in consultation with co-ordinators from ministries and agencies, have updated and revised the directories on general records and personal information prepared for the purposes of this legislation. These publications are used by the public to exercise its access rights under the act.

These directories describe the organization of ministries and agencies, along with descriptions of the records and personal data which they maintain. This year's edition includes a number of new features. In addition to being available in both English and French, the 1989 directories offer expanded subject indices for easier reference, information on access procedures for the disabled and new chapters for those institutions covered by the act as of this month.

Copies of these books will be delivered to all members at their legislative offices. If additional copies are required for constituency offices, I encourage members to contact the freedom of information and privacy branch of my ministry. The 1989 directories are also available for reference in government offices and public libraries in the province or may be purchased at the Ontario Government Bookstore.

This government's commitment to be accessible to the people of the province and to foster an atmosphere of openness and co-operation remains strong.

## RESPONSES

### RENTAL HOUSING PROTECTION

**Mr. Breagh:** I want to reply briefly to the statement by the Minister of Housing (Ms. Hošek). It is interesting, because today's version of what the government wants to do with this particular bill is quite different from yesterday's version of what the government wants to do. Yesterday, they were being very creative. They wanted us to amend an act that had not been

passed yet, which would have been parliamentary history of the first order, quite creative. It would have been an interesting exercise just to try to do it. Today's version, which we were not really privy to until the minister read her statement, is somewhat different from that.

For three years now, people have been waiting for this government to plug some very serious loopholes in this act. The tack the government wants to take with this is interesting. I think the most interesting part is the three firm principles upon which the minister is standing today. I think they are interesting because she has an expectation that the owner of a property will provide accommodation for current tenants at the same rents in comparable rental housing in the same area. That ought really to be an interesting exercise.

All she is doing is asking a landlord now to go out on his own and find similar accommodations at similar rents in the same area. In most of the places where the vacancy rate is less than one per cent, that truly should be a fascinating exercise. To tell the minister the truth, I would not want to bet a whole lot of money that this is a very practical thing to put forward.

The second point on which she is standing is that the building must be demolished or renovated because it is proven to be unsafe for human habitation. I suppose there she is probably thinking of all the landlords around Ontario who have simply removed the furnace and shut off the water and now all of those conditions make it uninhabitable. These are the things that they have already done and the minister is simply pointing out that, as long as they continue to do those things and the council believes that the proposal will not adversely affect the supply of rental housing in the area, it will be just fine.

In most of the areas where we have difficulties with this, the vacancy rate is less than one per cent. It cannot get a whole lot worse than less than one per cent, so it is not going to have much of an impact. It will be interesting to see what they have done after all of the meetings and all of the private hearings that the government has had with this bill. One of the things that we said last year, when the minister asked for a simple yearly extension, was we thought that was fine but we would like to see a little public discussion about this.

We thought that it would be interesting, for example, to refer the government's policy paper to a standing committee of the Legislature and let it hold public hearings, so we could have what we

would normally consider to be a reasonably public process.

That has never happened. To date, all that has happened is that people have been able to make submissions in private to the ministry. A number of people have done that. It will be interesting to see whether this time we can actually salvage something of the legislative process when the bill is finally debated and send it out to committee where we can finally have those hearings.

People have been aware that there has been a very serious problem with this act for a long time. We are still not very clear as to what precisely the minister wants to do, but the principles upon which she has chosen to stand are certainly ones that are going to be very difficult to see implemented.

Probably what most tenants are worried about is that they have seen the track record of this ministry over a fairly lengthy period of time now and they know that it really does not matter that what a landlord does is illegal; there is virtually nobody around who will assist them, because the ministry has virtually abandoned them.

#### ACCESS TO INFORMATION

**Mr. B. Rae:** I want to say just a couple of words about the statement by the chairman of Management Board of Cabinet (Mr. Elston) on the question of freedom of information and protection of privacy. I will be asking some questions today of the Minister of Health (Mrs. Caplan) about the ability of people to complain about doctors in hospitals and steps the government has taken to make that virtually impossible, thanks to the sheer incompetence of the government in this regard.

I looked forward to the statement made by the minister and say that we would also look forward to the grand day of January 1, 1991, when local government will finally be subject to freedom of information. We certainly would not want the government to rush into anything. We look forward to even further extensions of this important legislation.

Having said that, I must confess that sometimes I feel that, dealing with members of the Legislature, the government in fact is using freedom of information to prevent us from getting access to information, charging us more than we have ever been charged before. We are getting answers to our questions in Orders and Notices saying, "If you really want this, you should ask for it under freedom of information."

This is, I think, an indication of how ingenious the government can be in response to a piece of

legislation which clearly mandated the government being far more open than in fact it has been.

#### RENTAL HOUSING PROTECTION

**Mr. Harris:** I want to respond, also briefly, to the statement by the Minister of Housing (Ms. Hošek) on the introduction of the Rental Housing Protection Act. We will be interested to see what indeed is in this particular act when it comes forward.

I also want to say that when this act was first brought in three years ago, it was introduced, with some fanfare and argument on the part of both the Premier (Mr. Peterson) and the minister at that time, as a short-term, interim solution to allow the government to get its act together in a number of other areas on the housing front.

At that time, I believe, both the Premier and the minister indicated that this would be a disastrous thing to be long-term policy, that in fact its only effectiveness would be if it were a short-term solution to what would be a short-term problem, provided the ministry and the government were able to get their act together in a number of areas. Those statements made by the minister and the Premier at that time were one of the things that our party concurred with at the time of the original introduction.

Clearly then what we are seeing today, just by the very introduction of this bill, is an admission of complete, absolute, total failure on the part of the government to be able to address the problems that necessitated this bill in the first place three years ago. Indeed, most would argue, and I think fairly successfully, that in spite of whatever policy announcements the government has made, in spite of whatever money it has frittered away and wasted, the problem has progressively become worse and worse as every year has gone by.

#### 1400

The minister makes the statement, "Today, market conditions are such that the removal of the Rental Housing Protection Act would without doubt result in the rapid removal of rental housing across the province;" clearly, a glaring indictment and admission that: "Look, we have made things worse in the last three years. We haven't been able to address the real problems of supply. We have stated that's the problem. We have come in with numerous programs. Clearly, we have failed, so we must come in with a new act." In this case, one that appears to be saying it will have to be there for ever, which I assume is an admission that this government is incapable of solving this problem, for ever and a day.



The minister says as well, "The current act has proven to be successful in halting activities which reduce our stock of rental housing." Clearly, that statement is wrong. The current act has not been successful in doing that. We will be interested, in the hearings, to get considerable input from across this province. The evidence is that the act, in combination with the other policies, has completely driven the private sector out of the rental accommodation market. Whether it be the individual home owner, the investor or the builder who wants to be involved in one, two, three or four units, clearly, the minister's policies have been a disaster and have driven those people right out of the market.

As well, the minister says that the improvements they have made "will enable us to protect the security of tenants in Ontario and to ensure the future of rental housing stock in our province." Clearly, the current piece of legislation, in combination with her policies, has done just the opposite. I will be interested in the hearings to see whether anybody, including the tenant associations, has any confidence that this bill is nothing if not an admission of total and absolute failure.

The minister appears to be continually spiraling sideways every time she gets on her feet in this House, and it is not good enough for the people of this province.

#### ACCESS TO INFORMATION

**Mr. Sterling:** In the short period of time, I only want to indicate to the Legislature what this government believes about freedom of information. On January 25, in response to a request of the Minister of Transportation (Mr. Fulton) regarding information surrounding polling that the ministry had done, I have now received a bill from the Ministry of Transportation for \$900.40 in order to produce that information for me. That is what they think about freedom of information. They use it as a protection, not as something to provide us with information.

#### ORAL QUESTIONS

##### HEALTH CARE COMPLAINTS

**Mr. B. Rae:** My question is to the Minister of Health. The minister will know that in 1988, the Provincial Auditor, in his annual report, referred to the fact that between 1986 and 1987, the Ministry of Health received in excess of 2,600 complaints from patients regarding problems encountered in various hospitals. Some of these complaints included such things as somebody having a serious pain in the abdomen and yet the

pain persisting after surgery. It was subsequently discovered that the pain was due to an internal infection. In another case a patient was heavily sedated and prepared for surgery before it was realized that the attending surgeon was away on vacation.

In the light of that number and volume of complaints going to the ministry itself, I wonder if the minister can explain why, last August, her government changed substantially a regulation under the Public Hospitals Act. Under the 1980 regulation, which was in effect until 1988, the College of Physicians and Surgeons of Ontario could "require all members of the medical staff and hospital employees to answer inquiries concerning the admission and care of patients." That power was taken away from the college of physicians and surgeons. The college no longer has the power to cross-examine and examine witnesses.

Does the minister realize that as a result of this very, in my view incompetent decision on the part of the ministry, it now means that many patients are not able to get the college to effectively review their complaints and deal with them on a case-by-case basis?

**Hon. Mrs. Caplan:** The first question that I always ask myself is, what is in the public interest and how can we assure quality assurance and the principles of peer review? I would say to the Leader of the Opposition that the college today has access to medical records and other materials related to patient care.

I have discussed this and many other matters relating to quality assurance with the college of physicians and surgeons and I would say that amendments under the Public Hospitals Act to empower the college to require interviews of doctors and others involved are in the process of being drafted.

**Mr. B. Rae:** The minister has just given us a contradiction in the space of a single sentence. She has said that the public interest is being served and there are no problems right now, and she is also saying, "But I am going to produce amendments to make sure that the public interest will be served in the future." The minister cannot have it both ways.

The college has told the press and it has told my staff that there are several cases involving deaths in hospitals which the college now feels it does not have the jurisdiction and the ability to investigate and deal with because the college does not have the jurisdiction to ask questions, to require co-operation in terms of the investigation and to cross-examine and to examine witnesses

to incidents at hospitals. This means that many patients do not have the protection from the law that they want.

Can the minister confirm that the regulation was changed as of August 1988, that it took away significant powers from the college and that as of now—

**Mr. Speaker:** Order. Has the regulation been changed?

**Hon. Mrs. Caplan:** I would say to the Leader of the Opposition, as I stated a moment earlier, that the college today has access to medical records and other materials related to patient care. Following extensive consultation, the regulations under the Public Hospitals Act were amended with the intention that further powers for the college would be made available under amendment to the Health Disciplines Act.

In the interim, following further discussions and because of the time involved in the legislative process, we intend to proceed under the Public Hospitals Act.

**Mr. B. Rae:** A one-year-old boy died at the Peel Memorial Hospital last year. His family lodged a complaint against the hospital and that complaint is not now being investigated by the college of physicians and surgeons for one simple reason: The minister changed the law. She withdrew the regulation.

The minister is shaking her head. She just told us that she did. She admitted that she did.

They have access to the records, but they cannot examine witnesses. They cannot question the nurses. They cannot question the doctors. They cannot ask any questions in the sense that those witnesses are not required by law to co-operate with that investigation. The minister knows that full well.

Can the minister confirm that none of the employees at the hospital and none of the doctors at the hospital is required by law to co-operate in an investigation by the college of physicians and surgeons? Yes or no?

**Hon. Mrs. Caplan:** The powers under the Public Hospitals Act are very clear and very strong. Whenever there is a concern about patient care, if that is raised, the minister has enormous powers to investigate as well. I would say again to the Leader of the Opposition that in the interest of public protection, the college of physicians and surgeons today has access to all of the files and records that are available.

We determined that appropriate amendments to the Health Disciplines Act were one approach. We believe that regulations under the Public Hospitals Act can also be the route to go in the

interim, and I have said to the Leader of the Opposition that I expect those regulations as soon as possible.

**Mr. B. Rae:** The damage has been done and the minister admits it. She knows these cases are on hold and are not being—

**Mr. Speaker:** Thank you. A question to which minister?

1410

## PROPERTY SPECULATION

**Mr. B. Rae:** I have a question to the Premier. A constituent of mine was driving by a development called Mid-Park Homes, which is at Keele and Rutherford in the town of Maple. On January 9, the price of the smallest house, which is appropriately called the Château, was \$450,000. A week later, that same house was for sale—and I have the price list here—for \$470,000. Some five days later, on January 21, that same house, the Château, was on sale for \$490,000. That is an increase of \$20,000 a week.

I wonder if the Premier can tell us why he has not brought in the kind of speculation tax which would stop this kind of speculation in the real estate market in this province.

**Hon. Mr. Peterson:** I think the Minister of Housing can help my friend out.

**Hon. Ms. Hošek:** The member opposite knows that a previous government brought in a law to deal with what it perceived to be speculation. It was administratively very, very difficult, and all analyses of it indicated that it did not work to do what it was meant to do.

**Mr. B. Rae:** The minister says a law was brought in to deal with what the government perceived to be speculation. I would like to ask the minister a simple question. If the price of a new home for sale in a development on January 9 is \$450,000, on January 16 is \$470,000 and on January 21 is \$490,000, does she or does she not consider that to be a speculative increase?

**Hon. Ms. Hošek:** What I am concerned about is the problems people have affording homes, and I must say that most of the people I am concerned about are not shopping for houses at \$450,000.

What we are doing in this government is using our resources to increase the supply of housing that people can afford. In order to do that, we are prepared to use government lands and also to use the development process to make sure that in the building that gets done, at least 25 per cent of the new units are available to people of low and moderate income. It seems to me that addressing



the supply of affordable housing is the single most important thing we can do to make a difference for people out there.

**Mr. B. Rae:** If the price of a home, which has not even been sold, on January 9 is \$450,000, a week later is \$470,000 and five days later is \$490,000, if the price went up that much every week for a year it would be going up over \$1 million, and the minister is not prepared to call it speculation. If she does not call it speculation, just what is it? What does she call it and what does she plan to do about it so that this kind of activity will finally stop and people will be able to afford to live in this province when they want to buy a home? What is she going to do about it if it is not speculation?

**Hon. Ms. Hošek:** It is because I am concerned about the people who want to find a place to live that they can afford in this province, and in particular because I am concerned about people of moderate income who are having a difficult time, that this government has made its commitments and has made them very clear: to use the land we have to make sure that housing is more affordable and to make sure that from now on in the process of building any major developments in this province at least a quarter of the units get built with moderate-income people in mind.

What I am concerned about is making sure that housing is affordable to people of low and moderate income. We have a series of measures in place to make that difference. We will continue to do that, and that is going to make more difference to more people than anything else we might do.

Interjections.

**Mr. Speaker:** Order.

#### TAX INCREASES

**Mr. Brandt:** In the absence of the Treasurer (Mr. R. F. Nixon), my question is for the Premier. It relates to the now-infamous Public Affairs Management Inc. report, which indicated some predictions that have been quite accurate in terms of some of the steps taken by this government.

As an example, it indicated there would be amendments to the Occupational Health and Safety Act. It indicated as well that there would be amendments to the Power Corporation Act. It also went on to talk about certain tax options that might be considered by the government in the future.

I assume that since certain predictions were accurate, perhaps others may be equally as accurate. I do not know, so I turn to him who

knows with respect to what may unfold in the future.

It indicated in the report that the onus for future taxation may fall more heavily on property tax, a so-called head tax as an example, or an industrial levy tax, whatever that might mean.

**Mr. Speaker:** Question?

**Mr. Brandt:** Is the Premier considering raising or introducing a new form of taxation in his soon to be upcoming budget?

**Hon. Mr. Peterson:** I appreciate the question from my honourable friend, but he would not want me to be disqualified from this government, knowing the great respect he has for me, by revealing the budget ahead of time. But I will pass on any comments the member has to the Treasurer, and at the appropriate time he will share all that information with him. I am sure the member will be in a position to support the Treasurer in the future, as he has in the past.

**Mr. Brandt:** I do have a great deal of respect for the Premier. I want to say that is why I addressed the question to him. I know he has certain discussions with the Treasurer from time to time; in his next discussion with the Treasurer, he might want to remind him that in the 1984-85 fiscal year, the budget of this province was some \$25 billion. In 1988-89 the budget for this government was \$38 billion, which was more than a 50 per cent increase. That is up \$13 billion in four years.

Does the Premier think that there is more room to extricate even more dollars from the taxpayers of this province when he has already forced upon them increases totalling some \$13 billion in the relatively short and uneventful time that he has sat over there? I would ask the Premier, does he intend to continue this particular trend?

**Hon. Mr. Peterson:** I appreciate my honourable friend drawing these matters to my attention. I remember when I was first elected here in 1975. The total budget was \$10 billion. Guess what the deficit was that year. It was \$2 billion. Twenty per cent of the entire budget was net cash requirements.

When we came in, when we formed the government and the Treasurer did his first budget in 1984, he had to go through all of the money and he found this incredible deficit in the order of \$3 billion. Look at how our Treasurer has reduced that deficit. What we have is a model of fiscal rectitude.

At the same time, I am sure my honourable friend will agree, we have advanced the social programs in this province to an unparalleled

degree in this country. Look at what we are doing in education. Look at what has happened in the environment. Look at what has happened in equal pay for work of equal value.

I can stand in front of my friend and say that the record of this government in terms of its management, fiscal and otherwise, has been exemplary. I am sure that my honourable friend, having the perspective that he does in this House, would agree and look with envy across the floor at this government.

Interjections.

**Mr. Speaker:** Order.

**Mr. Brandt:** I have to part company with the Premier in connection with his request to have me endorse the actions of his government. The Premier well knows that the only way he has been able to reduce the deficit of this province is by bringing in the largest tax increases in the history of this province. That is how he has done it. That is nothing to be particularly satisfied with.

Further in the report, on page 30, the report talks about a change in the way in which the government may deal with the current system of collecting fees for the Ontario health insurance plan. On page 30, it goes on to say that the government may be again thinking about some new form of taxation. This is where those very flexible minds across the way are particularly quick at coming up with new alternatives: new forms of taxation. They are very good at that.

**Mr. Speaker:** And the question?

**Mr. Brandt:** Could the Premier share with this House what new form of taxation his government may be contemplating to take over from the current revenues realized from OHIP fees?

1420

**Hon. Mr. Peterson:** Let me say to my honourable friend that he has got his facts wrong again. The biggest tax grab in the history of this province was by his colleague the then Honourable Frank Miller, who brought in his famous budget to tax hamburgers. We had the common decency and the compassion to exempt those little children who eat hamburgers from these kinds of oppressive taxes brought in by his predecessors.

Let me say to my honourable friend that, again, he has this real difficulty. On one hand he gets his members coming in here saying we have to spend more on this and spend more on this and spend more on this, and then he is saying: "Don't raise taxes." Is he saying we should drive up the deficit?

The province was given back its triple A rating, which was lost as a result of the financial promiscuity of that member's party, as a result of the mistakes of the Urban Transportation Development Corp., which we still have to pay for, of Suncor and a variety of other things.

I say to my honourable friend that I think if he looks at the record of this Treasurer, if he looks at comparative tax rates across Canada in competing jurisdictions, he will find that we are very competitive, that we have a very socially advanced province and that we have competitive tax rates.

I say to my friend that he is not in any position, I believe, to give lectures to the Treasurer. The Treasurer may want to give him a lecture on how to handle his party's finances because I can tell the member this: If he could bring down his party's deficit the same way that the Treasurer has brought down his, the member's party would be in very good shape.

**Mr. Speaker:** New question?

**Mr. Brandt:** Let me just say that when rent review goes from \$7 million to \$40 million, that is not the best expenditure of tax dollars in this province.

**Mr. Speaker:** Order. New question, and to which minister?

**Mr. Brandt:** If he spends another \$7 million on the insurance review board, that is not the best spending of taxpayers' dollars.

**Mr. Speaker:** Order. Your question is to which minister?

## HEALTH SERVICES

**Mr. Brandt:** My question is for the Minister of Health. In the report that I just revisited for a moment with the Premier, it talks about some of the priorities for her ministry. One of the priorities that is mentioned in various spots throughout the report is an attempt to cut costs, as the Premier indicated this government is attempting to do, and which, of course, I disagree with in many respects.

An independent mediator came up with a proposal for doctors' increases of 3.4 or 3.5 per cent, I believe it was. The minister unilaterally came in with a decision to pay the doctors 1.75 per cent, as she will recall. As a result of the intention of this government to hold the line on costs—if that is in fact the Premier's intention—was it ever in the back of the minister's mind that she was going to negotiate openly and fairly with doctors, or did she have her mind made up well in advance of any of those negotiations that nothing



was going to happen in connection with the mediator's report?

**Hon. Mrs. Caplan:** I think I can say to the leader of the third party that in fact there has been much dissatisfaction with the negotiating process. The fact that a nine per cent or \$265-million increase in OHIP was the result of a 1.75 per cent increase for physicians plus a 2.5 per cent utilization and a 4.5 per cent increase in physician numbers I think points out the fact that we need a new negotiating process so we can sit down and look at the whole picture. We have made a commitment to do that. I believe that, with a \$265-million or nine per cent increase going into OHIP, we can ensure that physicians are fairly compensated for the important services they provide.

**Mr. Brandt:** The members of our party feel there are a number of areas where costs could be cut; but let me for a moment, if I might, share with the minister some of the areas that she is zeroing in on.

Physiotherapists in May 1986 were paid 15 cents less than doctors for essentially the same work in many areas. The minister said she intended to close that gap. The gap at the moment is \$1.10. Optometrists, according to the fact-finder's report, were to be paid the same fee for diagnostic work as ophthalmologists. What the minister did was to give, again rather arbitrarily, the optometrists a 4.3 per cent decrease.

Will the minister confirm to this House that it is her intention and the intention of her ministry to cut costs even if it means a reduction in the quality of health care in this province, an area we feel should not be cut, where there are other areas that are open—

**Mr. Speaker:** Thank you. I think the question was put.

**Hon. Mr. Scott:** Three minutes ago.

**Mr. Brandt:** There are other areas she can cut, not this one.

**Mr. Speaker:** Order.

**Hon. Mrs. Caplan:** This government's commitment to health care and resources in health care—

**Hon. Mr. Scott:** We want a phone-in. Where do we phone for the leadership? What's the number?

**Mr. Brandt:** What I want to know is, where does the minister intend to go?

**Hon. Mr. Scott:** Get that phone-in convention started now. We want to call.

**Mr. Speaker:** Order. We are wasting time for other members.

**Hon. Mrs. Caplan:** As I said in response to the leader of the third party, this government's commitment to health care is significant. I mentioned a \$265-million increase to OHIP just this year, over \$1 billion for physician services in the last four years, an increase in hospital spending to \$6 billion this year, half a billion over last year and a 54 per cent increase since this government took office. We know that we are at \$12.7 billion.

What I have been told by everyone who looks at our health system and acknowledges that it is the best funded national health system in the world is that good management will result in improved quality. Since my priority is improved and enhanced quality of care, I know that goes hand in hand with good management and good planning.

**Mr. Brandt:** I have to suggest to the minister it is not a lack of funds that is causing the problem but a lack of management of those funds. She is spending dollars in the wrong areas and spending them quite frivolously. I will give the minister all kinds of examples, if she wants examples.

**Mr. Speaker:** Order.

**Mr. Brandt:** If the minister wants a long list of examples, and if Mr. Speaker will allow, I will share them with her now.

**Mr. Speaker:** I certainly will allow a supplementary question.

**Mr. Brandt:** Could I ask what the minister's intentions are in the areas where she intends to cut the budget and where she intends to reduce health services in this province? Will the minister indicate whether the priority that is outlined in the report with respect to the future direction of her ministry is in fact correct?

"Addressing the issue of the number of medical practitioners and their distribution across the province and, in particular, the issue of freedom of location of practice," it indicates, is one of the priorities of her ministry. We have raised this question with her before. Is it her intention to control the medical profession with respect to numbers and location in this province, as the report very clearly suggests she is going to do?

**Mr. Speaker:** Minister.

**Mr. Brandt:** Again, I remind her the report has been very accurate—

**Mr. Speaker:** Order. I would remind you that you have asked the question.

**Hon. Mrs. Caplan:** I must take exception with the very first statement that the leader of the third party made, because there have been no cuts, only increases, in health care in the four years that this government has been in office. To the member opposite, I would quote a respected epidemiologist and physician, who said:

"It's very misleading to say that the problems with our health care system are due to lack of money. We know in fact that that's probably the last problem that we have in our health care system. In Ontario in the last five years the per capita spending on health care after inflation went up 25 per cent, more than any other province. So one thing's crystal clear; the answer to the problems we face in our health care system is simply not more money; we need to look at the way we organize our system."

That quote is from Dr. Michael Rachlis.

**Mr. Harris:** We're saying if you double your budget, you can't manage the problem.

**Hon. Mr. Scott:** Get the hookup. What do you call? What's the Tom Long number?

**Mr. Speaker:** Order. I wonder if the Attorney General would allow other members to ask a question.

**Hon. Mr. Scott:** What's the number for the Tom Long campaign?

**Mr. Speaker:** Order. Did the Attorney General want to ask a question?

1430

### HOSPITAL SERVICES

**Mr. D. S. Cooke:** I have a question to the Minister of Health and it is concerning a case that my leader raised a couple of weeks ago, Mr. Charlton. I am sure she is now familiar with the case since it was raised in the House.

Mr. Charlton was the patient from Windsor who was awaiting triple bypass surgery at Victoria Hospital in London. He had his surgery yesterday in Detroit because he could not access the Canadian health care system. Dr. Sakwa, who is the doctor who performed the surgery, said: "We feel he probably had a 10 per cent chance of living. With the degree of damage he had to his heart muscle, there is a good chance he would not have survived."

When this question was raised, the minister said to my leader that anybody who required emergency care in Ontario could access the Ontario health care system. Mr. Charlton was an urgent case. He did not access the Ontario health care system. He had to go to the American system. Is the minister satisfied with that?

**Hon. Mrs. Caplan:** As I said to the leaders in this House and to numerous individuals as we have discussed this, upon arriving at the Ministry of Health and determining that there was a need to increase the capacity in the cardiovascular system, we moved quickly to do that. We made funding available.

I am told now by cardiovascular surgeons across this province that in fact emergency cases—and they prioritize emergency, urgent and elective—are available on an as-needed basis and without any wait at all. They are working very diligently, together with the ministry and the hospitals, to bring on that funded capacity. We expect that within a few weeks we will see a stabilizing and a decrease in the existing waiting list.

**Mr. D. S. Cooke:** The minister did not answer my question. Does the minister remember a phone call that I made to her a year ago regarding the fact that my father was on the waiting list for a triple bypass? She said that there was a particular problem in London and that the rest of Ontario was fine. That is exactly what she said, and she suggested that people like my father who were on the waiting list should come to Toronto to access the health care system. There is still a problem in London. The problem is not just in London; it is all across Ontario.

Is the minister now saying that the only alternative for people down our way is to go to Detroit and have their bypass surgery? By the way, Dr. Sakwa has said he will take the OHIP rate, so the fact of the matter is there are people there who are going to have to go—

**Mr. Speaker:** Order. The question was asked.

**Hon. Mrs. Caplan:** In fact, to correct the member opposite, I would say to him that at the time I informed him that this procedure is performed in a number of centres across the province, in Hamilton, London, Sudbury, Ottawa, Toronto and Kingston. I can tell him that with the increase in capacity both in Hamilton and in Ottawa, as well as in Sudbury and Toronto, the information I have from the cardiac surgeons, the experts, is that the waiting list should stabilize and in fact be reduced over a very short period of time.

Regarding London, I would say to him that when we asked the hospitals what they needed, the University Hospital in London said to us, "We need \$570,000," and it got it. When Victoria Hospital said, "We need \$400,000 to improve cardiac care," it got it. We spoke to the hospitals. We asked them. We responded appropriately, and I am told that funding is in place and



that the capacity for surgery, as well as cardiac care, across the province is in place.

#### 1987 CONSTITUTIONAL ACCORD

**Mr. Harris:** I have a question for the Premier concerning the Meech Lake accord. The Premier will be aware that the current logjam, if that is the right word, with respect to the ratification of the Meech Lake accord centres on a number of outstanding issues that are not addressed in the initial document. I understand the Premier has had an opportunity to review these concerns with four or five other provinces. An article in the *Globe and Mail* by Thomas Walkom indicates the Premier favours some kind of parallel accord as the mechanism to perhaps deal with some of these outstanding issues.

I would ask the Premier, if that is the case, why he rejected the proposal that I first raised last May and his party then totally rejected, that being a proposal of some form of companion resolutions to address the outstanding issues.

Given that he rejected it at that time, am I led to understand that he would now favour that mechanism directly, or some form of companion mechanism, to help resolve these outstanding issues on Meech Lake?

**Hon. Mr. Peterson:** I appreciate my honourable friend's question. I think one has to distinguish between sort of two types of, shall we say companion resolutions. One would have legal efficacy as part of Meech Lake, another could be, shall we say a political companion accord, or it could be a companion resolution of the type that was passed in this Legislature. I recall that at the same time we passed the Meech Lake accord here, we passed a resolution of this House to go on to look at certain areas of the accord for further discussion.

I guess we have to get our terminology straight as we discuss this. As I recall, my honourable friend suggested his companion accord should be entrenched into the Constitution, as opposed to a political accord on the side.

Just because my honourable friend has asked me the question, I could say there have been reports lately that some five provinces, including Ontario, were involved in some special negotiations, and he may have been going to ask me about this anyway. That is not the case, I should say to my honourable friend. There are no sort of formal talks going outside of that, because so much depends on the political situation in two provinces particularly. As the member knows, Manitoba is a unique circumstance and currently

in New Brunswick there is a committee hearing on this matter.

There have been informal discussions—there is no question about that—on a bilateral, not a multilateral basis with the various provinces. But as I said to my honourable friend, I do not see that there is a magic breakthrough now at this moment. I am sure the discussions will continue, particularly over the next year and a half, as the time line dwindles on this whole matter, and there may be some commonality along the lines my friend was talking of: a companion political accord, shall we say, as opposed to a legal accord.

I will keep my friends posted on those discussions, get their advice on the matter and see if somehow or other there is a resolution somewhere in the next year and a half.

**Mr. Harris:** I appreciate the clarification on the five provinces. I was not suggesting they were a form of negotiations, but I understand that there are some discussions going on.

Let me refer to the main report of our select committee on constitutional reform. It is key, I think, that the very first three recommendations that the constitutional committee passed unanimously—all three parties—all dealt fundamentally with recommendation 1, "The committee recommends that the Legislative Assembly of Ontario establish a standing committee on constitutional and intergovernmental affairs."

The purpose for that recommendation was a recognition that the process that led to Meech, albeit it maybe had to be done that way, for future negotiations was flawed; that since legislatures had to approve any future amendments they should be involved and that indeed our committee could begin, in a nonpartisan, all-three-parties way, to look at these outstanding issues and begin to liaise with other legislatures, and indeed the House of Commons.

**Mr. Speaker:** Does the member have a supplementary?

**Mr. Harris:** I would ask the Premier: If he is serious about what the committee recommended unanimously, why is it that he has not acted on that recommendation to establish this standing committee on constitutional and intergovernmental affairs that was referred to, with a view to developing a framework for discussion on these outstanding issues, which in fact we think should be discussed—

**Mr. Speaker:** Thank you.

**Hon. Mr. Peterson:** Let me say right at the outset I agree with the recommendation of that

committee; and let me say something else: I think that committee did extraordinarily fine work. I think all members of this House can take some pride in the intellectual leadership that was shown by Ontario, by the committee and by the Attorney General (Mr. Scott) in this entire discussion.

I can tell my honourable friend that the companion resolution that was passed in this House, or whatever you want to call it, the resolution passed in conjunction with Meech Lake, has been viewed by many as a potential document around which a consensus could be built for the second and third rounds of constitutional discussion. So it is being viewed very seriously by sister legislatures.

As I recall, the member for York North (Mr. Beer) and this member and other members of this committee, were invited to go to New Brunswick to discuss these matters. I would frankly encourage the members of the Legislature on that committee to go, share their concerns and share their discussion with the members of the New Brunswick Legislative Assembly.

1440

The question then becomes, with respect to the constitutional committee, what is the agenda item? It was contemplated, I think, that there would be a different procedure for constitutional change in the future, assuming that Meech went ahead. Then the question would be, what is the agenda of that? It appears that the main agenda item, assuming Meech would go through, would be on Senate reform and other things. It is clearly the government's intention to put those matters into the hands of the standing committee and work very closely with it.

I agree with my honourable friend. I think that is a constructive way to start, assuming the first step is made, to continue the progress on constitutional reform.

#### SOCIAL ASSISTANCE

**Mr. Daigeler:** My question is to the Minister of Community and Social Services. I have in front of me the annual report of the Shepherds of Good Hope in Ottawa. The Shepherds of Good Hope provide a soup kitchen for underprivileged people in the Ottawa area.

According to this report, last year they served 78,000 people compared to 75,000 in 1987, and 62,000 in 1986. From the figures, it is clear that this service is being used by more and more people. Also, there has been a very supportive response from the community, with many people volunteering their time and businesses contribut-

ing foodstuffs. Despite this encouraging community response, one can and may ask whether soup kitchens should indeed be a permanent feature of our social service network.

Can the minister comment on his own outlook on soup kitchens and how his ministry is dealing with the social conditions that give rise to soup kitchens?

**Hon. Mr. Sweeney:** I do not expect that any society would find favour with the necessity for soup kitchens. I certainly do not, speaking on my own behalf and as a minister of the government.

We have been told, despite the fact that we have put additional resources into a number of our communities and provided additional resources for those who are on income assistance, that the problem is not getting any better. One of the main reasons we had conducted the social assistance review was to assess how we should deal with this particular situation. Members know that the response to that is under way at the present time.

The second difficulty we have, we are told by those who run them—and I have visited the soup kitchens myself—is that many of their clients are people who live in some kind of emergency shelter and therefore do not have the capacity to make their own food or provide hot meals for themselves. Therefore, we have begun to move to convert a number of emergency shelters to permanent housing.

The honourable member is probably aware of the fact that we did that in Ottawa just this past year. We did it here in Toronto in the past year. We have set up access to permanent housing for people who live on the street.

**Mr. Daigeler:** We certainly appreciate the work that has been done in this area. I am aware that recently his ministry contributed capital funding towards some of the shelters for the hard-to-serve people in the Ottawa area.

Can the minister advise the House whether there are further initiatives that may be taken, especially with regard to the hard-to-serve, to possibly integrate them back into the community?

**Hon. Mr. Sweeney:** The hard-to-serve people in the community generally fall into two categories. The first are those who have access to temporary shelter but because of their behaviour, which is caused by many factors, they are simply not able to continue to stay there because they are so disruptive to everyone else.

The second hard-to-serve group are those who choose for a number of reasons not to want to use the existing facilities that are available. We have



recognized that. In many cases, there are legitimate reasons they behave in this way. That is why we have been working very closely, particularly with the churches in most of our large urban areas. In Ottawa and in Toronto in particular, the Anglican church has been extremely supportive in being our partner in setting up permanent shelter for these kind of people.

In both of those cases, women have particular difficulty. The two most recent ones that were done provided spaces for women. I believe there were 20 spaces in Ottawa and something like 16 to 20 spaces here in Toronto. We are encouraging other agencies in other communities to do the same thing. We are quite prepared to work with them.

It is also our hope, as I mentioned in response to the first part—

**Mr. Speaker:** Order. Thank you.

#### SOCIAL ASSISTANCE OVERPAYMENTS

**Mr. Allen:** To allow the minister to continue on his feet, I will ask him a question about the Robert Finlay case respecting Manitoba overpayments to social assistance recipients, which were judged by the Supreme Court to be cases of undue hardship. Manitoba was given 30 days to desist in that practice of collecting those overpayments or lose its Canada assistance plan transfer moneys.

The minister will know that he has \$65 million in cumulative cases in Ontario, \$13 million in the past year up to December; that they average about \$1,000 in family benefits instances and \$350 in general welfare assistance; and that they represent about 20 per cent of the case loads and social assistance in those two categories.

I wonder if the minister can stand before us today and tell us precisely what his response is going to be to the Supreme Court judgement, and whether he himself will not be desisting in collecting overpayments, as the court has ordered Manitoba to do?

**Hon. Mr. Sweeney:** The \$65-million figure that the honourable member refers to is a cumulative figure that goes back to roughly 1965 when these programs were initiated and when the federal-provincial agreement, CAP, was initiated.

The honourable member is probably aware of the fact that part of the condition under CAP, by which the provinces get cost-sharing, is that they do recover overpayments, or at least they make an attempt to do so.

As the minister, I go before my colleague the Treasurer (Mr. R. F. Nixon) and Management

Board every year and present a list of several millions of dollars of outstanding overpayments which we do not believe we can or ought to collect, so we write off a number of those every single year.

As a general rule, if the overpayment is the result of administrative error on the part of my staff, and that happens, we generally write that off. If it is a result of information that ought to have been provided by the client and which the client knew he or she ought to have provided, then we do make a very serious effort to collect those.

We still do that today. Obviously, as a result of the Manitoba hearing, we have to review our practices. We are in the process of doing that and when we make a decision I will share it with the honourable member.

**Mr. Allen:** The minister's answer certainly does tell us that the practice still persists, that even in cases of administrative error there are collections. I do not want to let the word go out that this is a matter of fraud that we are talking about. In most cases, as in the one I want to put to the minister, it is quite otherwise.

For example, Sheila Crowe Perfitt, dealing with the London office, which I believe has a bad habit of being rather rigorous on this score, receives \$475 a month and only has \$2 left after she has met all of the set payments, rent, utilities, heating bills and so on.

When she applied for a training course, she got a \$105 advance, which would have been deducted normally from her family benefits. That was not the case in the first month, and the welfare office sent the collectors after her to repay that amount. They refused to collect because they said their minimum was a \$5 repayment, they could not go below that, and the lady had a \$2 balance in her income.

**Mr. Speaker:** The question.

**Mr. Allen:** Therefore, it went back to the welfare office which insisted—

**Mr. Speaker:** Order.

**Mr. Allen:** Will the minister not concede that he should issue an absolute rule to all offices, not to collect overpayments—

**Mr. Speaker:** Order. I could remind the member and the minister that they may wish to continue this at estimates later this afternoon.

**Hon. Mr. Sweeney:** Given the fact that we are in estimates this afternoon, I suspect that the subject of your admonition is probably what is going to take place. Let me again point out that the requirement under the Canada assistance plan

is that we do collect overpayments. We are simply obeying the rules of the game, if you will.

Now we have a new ball game, as the court has made a ruling. Obviously, we have to pay attention to that ruling. Obviously, we have to consult with our federal funding partners to determine how, not just in Manitoba but in Ontario and all other provinces in Canada, we are going to deal with that ruling.

I simply reiterate to the honourable member that in fact where it is our fault, we usually do not collect. Where it is information that ought to have been provided to us and the client knew he or she ought to provide it, then we do make an attempt to collect. That very well may change.

1450

### DRUG ABUSE

**Mr. Runciman:** My question is for the Solicitor General and it has to do with illicit drug use in the province. We heard a great deal of rhetoric in mid-October of last year when the so-called Black report was tabled in the Legislature. I would like to talk about action to back up the rhetoric. I want to quote from recommendation 9 of that report, "That additional"—stress the word "additional"—"funding be provided to the Ontario Provincial Police to increase the complement of the drug enforcement section by 32 members and four support staff."

Would the minister bring us up to date on where that recommendation stands?

**Hon. Mrs. Smith:** I would like to inform the member for Leeds-Grenville that all seven recommendations that deal with the drug programs are being thoroughly studied and most of them have been, to some extent, implemented. However, there are costs associated with each and also problems of co-ordination with other ministries.

We have been meeting with other ministries on a regular basis. Drug enforcement officers have been put in place at border points such as Windsor. Four places, I believe, specifically have already been acted upon and many other of the steps have been followed. But I would like to point out that co-ordination and study are necessary to make sure that the best steps are taken on a permanent, ongoing basis.

**Mr. Runciman:** This government is quick to condemn or cast aspersions on police across this province at every turn. It is about time it started providing our forces with the necessary resources to fight the growing crime problem across this province, much of it drug-related.

I want to read a quote from Wib Craig, the head of the criminal investigation division of the OPP, this weekend, "A recommendation for the drug squad to be expanded by 32 officers is mired in political red tape at Queen's Park."

The police are frustrated. Police across this province are frustrated. When is the government going to take action on this recommendation from one of its own members? When is it going to do something substantive and meaningful to fight the drug crisis in this province?

**Hon. Mrs. Smith:** As I said, actions have already been taken. Some programs have been put in place. This particular police officer expressed his opinion on one of seven recommendations that happened to deal with his specific line of duty in the police area. Obviously, he would like to see his program given the top, probably the only, priority.

I would like to inform the member that we had one of the top drug criminologists of North America, who is employed in New York, Professor Kelling, who spoke to the police commissions here in Toronto and who emphasized very strongly that the most important aspect of fighting drugs was prevention programs and not the kinds of programs the member is referring to.

We recognize both things must be done, but we must study which programs should be given priority and in what way they can most effectively be delivered.

Interjections.

**Mr. Speaker:** Your attention would be appreciated.

### WINTER ICE CONDITIONS

**Mr. Owen:** I also have a question for the Solicitor General. She might recall that in February of last year, I raised an issue involving Lake Simcoe and other inland lakes in this province and the problem we were having with heavy vehicles falling through the ice. That is still happening this year.

The difficulty is that there are pressure cracks, thin ice and open water areas. When heavy vehicles go under, the people are entrapped and cannot get out. With snowmobiles, they are usually able to roll or somehow escape. There is a real problem with the heavy vehicles. I am wondering if the minister has had an opportunity to look into this problem with the Ontario Provincial Police and whether she can advise us whether anything can be done about the difficulty.



**Hon. Mrs. Smith:** The problem of cars or trucks on the waterways is not easily resolved. In the first place, the waterways are under federal jurisdiction for both policing and the regulations around them. It would be possible to examine—we have considered it since talking on this issue before—particular provincial statutes regulating vehicle operation, which of course would be under a different ministry. But the policing in itself would be extremely expensive when we consider the kinds of waterways we have throughout this province. The sense of what can be done in this area is that it does not seem it would be very productive.

Instead, the OPP considers programs delivering educational information and warning and trying to make people realize the danger of waterways when they are frozen are much better. Of course, this danger is for anybody, whether it is a child on skates or someone in a skidoo or a heavy truck, depending on the degree of freezing. We cannot make rulings by the size of the vehicle. It would be more appropriate to educate people as to the hazards.

**Mr. Owen:** I wonder if I can share with the minister the experience we have had in our area; that is accidents do not seem to occur to the people who live in our area. It is invariably the visitors coming into our area who are not familiar with the conditions who are the ones to lose their lives through that risk.

I have talked to the OPP. I realize they say that sometimes the people in our area should have the right to go on to the ice since they are familiar with it. I wonder if the minister could discuss this problem of licensing these particular vehicles in our area. I know it involves another ministry, but could that be looked at as a possible solution?

**Hon. Mrs. Smith:** The present vehicles that are around are not forbidden from going on the water and many would take great exception to being so forbidden. Once again, this is not a major problem. The number of drownings that occur through large vehicles going through the water is not nearly as serious as for smaller vehicles or even children playing. Once again, the whole effort should be on education, on training people about the danger of these things and reminding them that what seems to be a solid surface may not be. Education is seen by the police as the most productive way of dealing with this.

#### ACCESS TO CHILDREN IN CUSTODY

**Mr. Hampton:** My question is for the Attorney General. I have asked the Attorney

General on a number of occasions why his ministry and the government will not fund agencies, organizations, that allow divorced or separated parents, specifically the noncustodial parent, to have access to the children.

I want to ask him today about the Lakeshore Area Multi-Service Project, referred to as LAMP. I have a list of about 40 orders from judges. There is Judge Fisher, October 6, 1988; Judge Morrison, February 4, 1988; Master McBride, December 8, 1987. The list goes on and on, not easy to find, 40 judges—provincial court, Supreme Court, district court, masters of the Supreme Court—who have all said access shall be exercised through LAMP, the only way access shall be exercised.

**Mr. Speaker:** Question?

**Mr. Hampton:** If the courts and the judges recognize this to be a vital program in terms of custodial parents and access parents, why will this ministry, and specifically why will this government, not give these organizations some funding so they can do the job the courts consider it necessary for them to do?

**Hon. Mr. Scott:** I think the Minister of Community and Social Services (Mr. Sweeney) has responded to this question. I simply adopt the response he has given with this additional note—it would not be for the Ministry of the Attorney General to sponsor programs of this type in any event.

As the honourable member knows, this is one of a wide variety of volunteer programs that exist across the province that provide very useful service. LAMP has existed, along with many other programs, for many years without the support of any government programs.

The Minister of Community and Social Services, impressed by this kind of facility, has established a pilot project that is now working to evaluate this kind of exercise to see whether the government, as a matter of policy, should take the principle of supported access province-wide. He is watching that pilot project. I am not certain what his timetable is, but I want the honourable member to know that when the evaluation takes place, I am quite certain the minister will bring it to cabinet and the matter will be reviewed so that a decision can be made.

1500

**Mr. Hampton:** The Attorney General is correct when he says this kind of organization was originally funded voluntarily. That is true. The fact of the matter is, though, that it is basically performing a very large support service

for his courts. His courts recognize these groups are indispensable to parents achieving some kind of justice in custody cases.

The Attorney General says he cannot fund these kinds of things. His ministry certainly funds legal clinics. He has said on a number of occasions that his ministry plays a lead role in support of the drunk driving efforts of this government. He obviously funds programs like that. Why cannot his ministry, or his ministry and the Ministry of Community and Social Services together, support this kind of very worthwhile project for parents and children who are obviously in need of the service, especially when his courts recognize the viability of the service?

**Hon. Mr. Scott:** I have not made myself clear, I guess, and neither has the Minister of Community and Social Services. There are literally hundreds of volunteer agencies across the province that litigants in the court take advantage of. Most of them are not funded by government.

When a project is developed that has a lot of credibility and appears to be useful, the universal practice of prudent and sensible governments is to set up a pilot project to evaluate its utility as a step on the way to determining whether it should be adopted as a matter of government policy and provided in communities, not only in Toronto but all across the province.

This government, impressed in a general sense with the kind of work this kind of facility does, has established such a pilot project. When the term of the project is completed and it is evaluated, we would be able to develop, if appropriate, a province-wide funding mechanism. The honourable member surely agrees it would be imprudent and wasteful of taxpayers' money to start spending it until we have some assessment about whether it meets a need and whether that need should be met all across the province.

**Mr. B. Rae:** So all those judges are wrong. Those 40 judges don't know what they're talking about. All those judges don't know what they're doing.

**Hon. Mr. Scott:** I will not respond to the honourable leader's question.

**Mr. Speaker:** A mini-question, the member for Burlington South.

#### SCHOOL ACCOMMODATION

**Mr. Jackson:** My question is to the Minister of Education. It concerns the negotiation process behind the transfer of a school between the public

and separate school boards in the city of York. The minister and his government were signatories to an agreement that would compensate the York Board of Education with \$5.5 million for the transfer of York Humber High School to the separate school board.

**Mr. Speaker:** Question?

**Mr. Jackson:** His ministry is reneging on that deal. We now find out that he has gone to the York board and placed additional conditions that were not agreed to in the original agreement. My question is, why is the minister backing away from a negotiated settlement that has his signature and his promise on it?

**Hon. Mr. Ward:** My answer to that question is we are not backing away from it. In fact, we stand by all the commitments we made through the negotiation process between public and separate boards. The member for Burlington South once again is wrong.

#### PETITIONS

##### JUNIOR KINDERGARTEN

**Mr. Cureatz:** I have a petition, which reads as follows:

"We, the undersigned, petition the province of Ontario and the Durham public school board to provide a junior kindergarten program in the Durham Board of Education."

It is signed by nine petitioners.

##### TEACHERS' SUPERANNUATION

**Mr. Owen:** I have a petition addressed:

"To the honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years."

It is signed by 252 teachers.

#### REPORT BY COMMITTEE

##### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr. Callahan from the standing committee on administration of justice reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Correctional Services be granted to Her Majesty for the fiscal year ending March 31, 1989:



Ministry	administration	program,
\$21,600,200;	operations	program,
\$372,668,200.		

## INTRODUCTION OF BILLS

### RENTAL HOUSING PROTECTION ACT

Hon. Ms. Hošek moved first reading of Bill 211, An Act to revise the Rental Housing Protection Act, 1986.

Motion agreed to.

### JOHN ZIVANOVIC HOLDINGS LIMITED ACT

Mr. Offer moved first reading of Bill Pr76, An Act to revive John Zivanovic Holdings Limited.

Motion agreed to.

### SUDBURY HYDRO-ELECTRIC COMMISSION ACT

Mr. Campbell moved first reading of Bill Pr60, An Act respecting the Sudbury Hydro-Electric Commission.

Motion agreed to.

## ORDERS OF THE DAY

### REPORT BY COMMITTEE

#### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE (continued)

Resuming the adjourned debate on the motion for adoption of the report on Bill 113, An Act to amend the Retail Business Holidays Act, of the standing committee on administration of justice.

**Mr. Speaker:** I believe the member for London North (Mrs. Cunningham) adjourned the debate. Are there any other members wishing to participate in the debate?

**Mr. Hampton:** I am pleased to be able to take part in this debate, because I was on the committee when this particular bill was considered by the committee. I got to sit through the number of representations made by people from communities all across the province. I was one of those fortunate enough to be able to hear from cross-sections of the Ontario economy, to hear from local business persons, to hear from church groups, to hear from trade union groups, to hear from women's groups, to hear from municipal groups, to hear from developers and shopping mall owners, to hear from tourist associations and on and on.

#### 1510

It is no exaggeration, I think, to say that wherever the committee travelled in connection

with this bill, we had a full agenda. We could very easily have extended the time period for listening to and questioning the many groups that appeared before the committee and we could have received, if hours had permitted, several more submissions from groups and organizations that wished to appear before the committee but could not find time on the timetable.

I sat through many of those hearings, many of those deliberations, the long clause-by-clause. Therefore, as I said, this is a debate that I am pleased to be able to take part in. I want to return to the fundamentals of this issue because I think it is really the fundamentals of the issue that people are concerned with out there, and it is really the fundamentals of the issue that I think the government has attempted to cloud over in many ways or attempted to hide behind a smokescreen.

The fundamental issue for us—I think I can speak for all the members of my party here—and the fundamental issue for so many of those groups that appeared before the committee is the desire to have a common pause day in Ontario. Simply put it this way: a day away from the commercial marketplace, a day away from competitive business pressures. You can call it a day for the community; you can call it a day for greater family interaction; you can call it a day for personal reflection, whatever you wish.

There were many groups which appeared before the committee that referred to it in those terms. In fact, I think the diversity of description of a pause day was one of the things that impressed many members of the committee; even some Liberal members of the committee, I think.

If you were able to speak with them privately and out of range of a television camera or a newspaper reporter or a radio reporter, many members on the government side would admit privately that they were not impressed with this legislation. The more you could engage them in conversation, the more you were likely to find government members who worried about this legislation.

It is quite clear what is happening here, what the government intends; and it is also quite clear what the people of Ontario intend. The government intends to have some kind of rule by the marketplace. Yes, the government may call it the local option, but we all understand what the local option means in terms of competitive business pressure, when everyone from the automobile dealers of Ontario to the Canadian Tire dealers of Ontario to the local chambers of commerce to trade union groups all come before you and say,

"The local option means rule, and rule by competitive business pressure."

It is pretty clear that there is an understanding out there in the public as to exactly what this bill means when you shred it or strip away the boilerplate that the government has attached to it. People understand it to be a return to the marketplace. People also understand that, if anything, in the last 30, 40 or even 50 years, what we have done in terms of employment standards legislation, overtime legislation, health and safety legislation and labour legislation were all attempts in some way to curtail as much as possible some of the employment abuses of the competitive marketplace; also to leave some room for simple humanity, some room for the family, some room for individuals to do something other than work; in other words, to provide an opportunity so that life was not dominated by the competitive marketplace.

Yet what do we have here? We have a government that says it is a progressive government. We have a government that says it is a compassionate government. We have a government that says it cares about family life and quality of life. Yet when you strip away the boilerplate from its bill, it is doing exactly the opposite of what it says it intends to do.

To paraphrase it best, I think the best example I can give would be a Catholic priest who appeared before the committee in Sudbury. He did not come to the committee with a large brief full of statistics or anything like that. He came to the committee and he said: "Look, what this bill means is that there will be more business conducted on Sunday and there will be more work on Sunday. That is what it means. When you get to the bottom of it, that's what it means. It means more work on Sunday."

He said in his view, and I agree with him and I think many people in Ontario agree with him, what we really ought to be trying to do is to free up the common pause day even more, not load it up more as the government intends to do. Then he said to us: "Look, if you really want to know what it is like to work on Sunday, when you have to work every Sunday, I can tell you what it is like to work on Sunday."

Interjection.

**The Deputy Speaker:** Order, please.

**Mr. Hampton:** That is okay, Mr. Speaker. I realize the member for Ottawa West will not get up and publicly state his position on the bill, so we will have to be satisfied with his contributions from the sidelines.

**Mr. Chiarelli:** I mailed out 22,000 householders last month dealing with Sunday shopping.

**Mr. Hampton:** Since he does not want to put his voice on the record, then we will have to let him make his contribution this way.

The priest from Sudbury said: "Look, I have a great knowledge of what it means to be required to work on Sunday. I work virtually every Sunday. If you want to know what it is like, it stinks." Those were his exact words, "It stinks."

Then he went on to delineate why it stinks. He said:

"I don't have a family in the customary sense. I don't have a wife and I don't have children, but I do have a family. I have brothers and sisters. I have parents. I have aunts and uncles. I have good friends. That's my family. If my family have social events, they usually hold them on Sundays. That is the time when they usually hold these social events. I can never go because I have to work. Even if it is an event that is held late Sunday afternoon or perhaps Sunday evening, if I am not saying mass I have other pastoral duties to look after, so I am shut out of those kinds of activities."

The next thing he went on to point out was:

"Do you want to know what it is like to have a day off, a pause day other than Sunday? Do you want to know what that is like? Well, I can tell you, because my day off is Monday. That is my pause day. That is the day when I am supposedly free to engage in different types of social interaction and be with my friends."

**Mr. Fleet:** Monday as a common pause day now?

**Mr. Chiarelli:** Work on Sundays and sleep on the justice committee.

**Mr. J. M. Johnson:** On a point of order, Mr. Speaker: I would just like to suggest that the members on the left are interjecting way too much. If they wish to speak on the bill, I think they have an opportunity to do so, do they not?

**The Deputy Speaker:** I want to remind all members on both sides that the standing orders call for only one member to have the floor at a time. If other members want to participate, they can participate before or after, but not during.

**Mr. Hampton:** Mr. Speaker, I appreciate your ruling, but I really do not mind. We have begun to realize now that members of the Liberal rump feel that the way into the cabinet is to pass a lot of wind whenever anyone else gets up to speak, so we understand when the member for High Park-Swansea (Mr. Fleet) and the member



for Ottawa West (Mr. Chiarelli) want to make interjections at all times.

**Mr. Fleet:** I'm supporting the bill. That's on the record.

**The Deputy Speaker:** Order, please.

1520

**Mr. Hampton:** The priest from Sudbury pointed out in graphic detail what it is like when your common pause day is not the same as, or cannot be the same as, the common pause day that has traditionally developed in Ontario. He said:

"I get up Monday morning, I try to call a few of my friends and I find they are all at work on Monday. I try to set something up for Monday afternoon or Monday evening, but I find that most of my friends are saying to me, 'Well, you know, we just finished the weekend and we've got to get back in the swing of things in terms of work. I have to do some shopping and I have to get some things done like that.' Basically, my day off of Monday, my pause day of Monday is virtually useless. It too stinks."

Taking a cue from that priest in Sudbury, who has some intimate experience with what is going on, I think it is fair to say that a great number of people out there do understand what the government hopes to accomplish or is trying to accomplish and also the boilerplate disguise the government has added to the whole issue. The priest in Sudbury certainly saw through it. He had something more to say. I wish we could have had Hansard there to record his words, because his words would be worthy of looking back on in about 10 years.

He said:

"Look, I'm a priest. I deal with social problems, I deal with family problems, I deal with people problems every day. A good part of my time is taken up with talking to, counselling and assisting families in trouble, families on the verge of separation, families that have separated, families that may have problems such as alcoholism or families where one or both of the spouses are unemployed or encountering similar problems.

"There is no secret to the kind of counselling I provide. One of the keys to my success in counselling, and one of the keys to the success of other people who do the kind of counselling that I do, is to tell the families who are in trouble to spend more time together, to take more time to be together.

"Where we see a successful resolution of the problem or a successful resolution of the dispute is when the family members can take more time

to be together, to talk, to do recreational things together; when the parents spend more time with their children or people generally spend more time with their extended family. That is where we encounter the greatest success."

Let's look at what this bill can do to those kinds of undertakings or those kinds of attempts. The one time of the week when people are able to do this or the customary time when people are able to do this is on Sundays. Over and over again, those people who were able to succeed, those people who were able to come out of their family difficulties said, "Yes, we took more time together."

He said, "When did you find the time?" They said: "Well, we spent Sundays together. We'd go to a picnic together. We instituted a practice of having Sunday dinners and everybody had to be home for them. We found the time on the day when it is customarily available and we made use of that time."

His conclusion was that really this bill will not break the camel's back, will not be the most horrendous thing to happen; but from his point of view, we will look back on this bill—say 10 years hence when we are in a greater mess in terms of family life, in terms of quality of life, in terms of our social life generally—and we will look at it as one of the key decisions, one of the key things that got us into a mess.

Fundamentally, for him, he said: "Look, this bill is not the worst thing that's ever been introduced, but it's a wrong bill. It's on the wrong side of the issue. In terms of where we want our society to go, in terms of what kind of society we want to have, this bill takes us down the wrong road and this bill will put us in the wrong place."

**Mr. Fleet:** It is a good bill, Howard.

Interjections.

**The Deputy Speaker:** Order, please.

**Mr. Hampton:** I wish, as I said, that priest's comments and recommendations could have been recorded in Hansard, because he made a great deal of sense. I could not help but note, looking across the hearing room that day, that almost all the Liberal members on the committee were in some form or another nodding their heads in agreement, that he had really had an impact on them.

To me, that is the heart and the substance of this debate. This bill takes our society down the wrong road and five or 10 years hence it is going to put us in a place where we do not want to be. Instead of setting aside more time outside of the pressure of the competitive business world,

instead of contributing to a better quality of life, instead of contributing to a better quality of working life, instead of contributing to a better quality of family life, it will do the opposite.

I think I owe that priest in Sudbury a great deal of respect and I owe him a great deal otherwise for clarifying the issue for me and for putting it before us in very commonsense terms. That is where the government wants to take the province on this issue. That is where they want to take us.

I want to go into greater detail as to why we are really opposed to the reporting back of this bill. It is not just the substance of the issue. It is not just that we think this bill is a regressive bill. It is not just that. It is not just that it is going to take our society, Ontario society, down the wrong road and it is going to put us in a place five or 10 years hence that we do not want to be in. That is an issue of substance and it is an important issue, but there are a couple of other issues here as well that need to be discussed.

The second general set of issues that need to be discussed stem from the way that the government tried to fudge or tried to hide the fact that it was dramatically changing its position from the position that the Premier (Mr. Peterson) stated during the election campaign of 1987.

He was asked on August 5, 1987, if he and his government supported a common pause day in Ontario. It was very clear what was meant in that question, because the Retail Business Holidays Act had come through some court tests and had been subject to some scrutiny. It was very clear what the debate over the common pause day was, and he said clearly and unequivocally, "Yes, we support the common pause day." No ifs, no ands, no buts, no variances; just a plain and simple, "Yes, this government supports the common pause day."

What a surprise when only three months after that, in November 1987, the government announced that it was going to change the legislative regime which provides for and supports the common pause day. What a surprise. At first the government tried to say, "Yes, we are still in support of the common pause day and this legislation is actually going to tighten things up." That is what they said.

Then, after the Association of Municipalities of Ontario, after trade unions, after church groups, after chambers of commerce, after business groups had all had an opportunity to review the bill and saw it for what it really was, the government switched its disguise to calling it the municipal option.

First they were going to tighten up the legislation, then when it was discovered that their smokescreen was not working—

**1530**

Interjections.

**Mr. Fleet:** He likes it, he is smiling.

**Mr. Hampton:** Mr. Speaker, they really are passing a lot of wind.

**Mr. Chiarelli:** Just trying to keep you awake, Howie.

**The Deputy Speaker:** Order. Again, may I remind all members of the House of the standing orders?

**Mr. Pouliot:** Especially the far left.

**Mr. Fleet:** You guys are on the far right, eh?

**The Deputy Speaker:** Order. When it calms down I shall ask the member to continue his speech, and he is the only one who has the floor right now.

**Mr. Hampton:** When it was discovered that the government's disguise, the stated disguise of tightening up the act, was not going to work, then we fell into the language of the municipal option. How wonderful it is that this municipality can do its thing and that municipality can do its thing, and the municipality over here can do something entirely different.

That did not fool anybody either, because as I said everybody from the chamber of commerce, the automobile dealers, the Association of Municipalities of Ontario to the major trade union groups saw it for what it is. It is a type of deregulation. It is a type of throwing away something that was previously protected, throwing it open to the pressures of the competitive marketplace.

**Mr. Fleet:** He's enjoying it; don't stop him now.

**The Deputy Speaker:** Order.

**Mr. Hampton:** I suggest that is what this Liberal government has tended to become. When they have a problem that is a little bit difficult throw it off on another level of government, or throw it open to the pressure of the competitive marketplace and throw up the hands and say, "There is nothing we can do."

**Mr. Fleet:** What were they supposed to do in Sault Ste. Marie?

**The Deputy Speaker:** Order. Do I have to remind all members at every two- or three-minute interval to please respect the standing orders of the House?



**Mr. Pouliot:** On a point of order, Mr. Speaker: I fully realize, with the highest respect, that the very presence of the Minister of Labour (Mr. Sorbara) brings out the worst in people, but the member for Rainy River is speaking, from the heart, words of wisdom on behalf of the people of his riding who are appalled and shocked at the presentation of Bill 113.

**The Deputy Speaker:** Order. The Speaker is also speaking from the heart. The member for Rainy River may proceed.

**Mr. Hampton:** Thank you, Mr. Speaker, you have a very big heart indeed on this matter.

That was the second line of defence, to call it the municipal option.

**Mr. Adams:** What was the first? I've forgotten.

**Mr. Hampton:** For the benefit of the member for Peterborough, who does not seem to have much of a memory, the first line of defence was that the government was going to tighten things up. When everyone read the fine print and saw that there was not a lot of tightening up, then the government fell into the disguise of the municipal option.

**Mr. Fleet:** What was the vote in Sault Ste. Marie?

**The Deputy Speaker:** The member for High Park-Swansea, please.

**Mr. Hampton:** The government tried to trot out its municipal option disguise across the province of Ontario. It thought, "If we can swing this, we've got it made."

First we started out here in Toronto. We heard from groups in Toronto. We heard civil liberties groups, we heard trade union groups and we heard large organizations which represent the province at large, which came before the committee and said, "Look, the municipal option that the government is speaking about is really no option at all."

Whether you were talking to Sears department stores or Woolworth department stores or Marks and Spencer or the chamber of commerce or the automobile dealers' association or the Committee for Public Justice or the Catholic, Anglican or United churches, they were all very clear.

They said, "Look, this is really no option at all. What you're really doing is throwing the avenue open to competitive business pressures. If there is somebody out there who thinks he can make a buck at another operators' expense by opening on Sundays, he will do it under this legislation, and the government is promoting it. That is what they said. The government was

obviously hopeful that things would improve on the road. So then we went on the road. We went to Ottawa, we went to Kingston, we went to Collingwood and we went to Hamilton. We went to Thunder Bay, Sault Ste. Marie and Sudbury.

It started to happen over and over again in every community we went to, whether it was the local chamber of commerce, the local business improvement association or people from the Catholic Women's League of Canada. Wherever it was, whatever small city or small town it was, people came forward and said: "Yes, we see the legislation and we do not see it as any viable option. We do not see it as going in the direction we want our society to go in. We see it, again, as market deregulation, throwing everything open to competitive business pressures, letting competitive business pressures decide, fully and absolutely, when people will have to work, when families will have time together and what will happen to our quality of life."

**Mr. Chiarelli:** The NDP don't trust local politicians.

**Mr. Adams:** The NDP are out of touch with reality.

**The Deputy Speaker:** Order, order.

**Mr. Adams:** Never listened to people in their lives.

**The Deputy Speaker:** Order, please. Will the member please respect the standing orders?

**Mr. Hampton:** I must really be hitting home with some of these backbench Liberal members because they seem to get most upset on some of these issues. Again, if they are so upset, I wish they would stand and put their positions on the record. I wish they would say, one way or another, yes, they support the legislation and why they support the legislation; or say no, they do not support the legislation. Instead, they act like a bunch of rabble at the back of the crowd who insist on making all sorts of noise but make no sense.

The committee visited those small cities and towns across Ontario. Again, whether it was the Catholic women's league, the local municipal council, a regional municipal council, several municipal councils in the area, small business organizations from the area, chambers of commerce, business improvement associations or whatever, they all came forward and said: "Look, we see this bill for what it is—deregulation of the marketplace, throwing the quality of work life and the quality of family life open to business pressure, letting business and competitive pressure decide what these things

will be like, what quality they will have and what content they will have.”

When they said that, what was the response of the parliamentary assistant to the Solicitor General? His response was: “None of these people can be real. Where are the real people?”

**Mr. Fleet:** Not over there, that’s for sure. You are as unreal as they get, Howard.

**The Deputy Speaker:** Order. I would ask members to respect each other and also the chair. When the chair has the mandate to have standing orders respected, I would ask all members to at least respect that.

**Mr. Hampton:** Really what happened was when the last leg of the subterfuge was discovered, when it was pointed out that the government’s line could not confuse people anywhere in Ontario, then the final line of defence was to say that none of this was real, that none of these people were real, that none of these municipal organizations were real. The trade unions and the business improvement associations were not real.

**Mr. Adams:** What were the first two lines of defence again?

**Mr. Hampton:** Mr. Speaker, you should really do something about the memory of the member for Peterborough. Obviously he does not have a very good recall of anything other than his own rabble.

**Mr. Chiarelli:** Howie, you can’t even define Sunday shopping.

**Mr. Fleet:** It’s just that your speech is so forgettable.

**The Deputy Speaker:** Order, please.

1540

**Mr. Hampton:** That is the sort of process we went through. To say the least, it took away from the integrity of the committee system, because when group after group did come before the committee—and very diverse groups, as I said, came before the committee—and gave us their point of view, at the end of it or near the end of it the government’s response was to declare: “All of this is unreal. These organizations are all unreal. They don’t speak for real people.”

There is something very wrong with that. In a democracy, if you come as the executive of the Catholic Women’s League of Canada, the leadership of your trade union, the reeve or mayor of your municipal council or the president of the chamber of commerce, one of the presumptions in our society is that you have some legitimacy, that you have been elected by your

members and that you represent their point of view.

We did not hear dissenters from the chamber of commerce saying, “No, the president doesn’t speak for us.” We did not hear dissenters standing on the sidelines saying, “The president of the trade union doesn’t speak for us.” We did not hear dissenters from municipal councils saying, “No, the reeve doesn’t speak for us,” or “The mayor doesn’t speak for us.”

They all agreed that this process was very real and that the representations being made by the presidents of the chambers of commerce, the presidents of the trade unions, the presidents of the business improvement associations or the Reeves or mayors of councils, all these people agreed they were legitimate and the representations they were making were honest, true and real.

Really the saddest part, I think, about the government’s performance in terms of the committee stage was to try to undermine the democratic legitimacy of those people who are duly representative of their organizations when they came before the committee and pointed out their community’s or their organization’s point of view. That was the saddest part of the committee stage, when there was an attempt to undermine the opinions and views presented by these groups and organizations.

Our opposition to what has gone on here is really twofold. We oppose the bill and we oppose the substance of the bill fundamentally, because no matter how the government tries to dress it up, no matter what language it uses—

**Mr. Chiarelli:** And all the amendments.

**Mr. Hampton:** Some of the Liberal rump here say, “What about the amendments?” No matter how it tries to sprinkle in a few amendments, the fact is that in fundamental terms this bill is taking the society we call Ontario in the wrong direction, and five or 10 years down the road will put us in a place we do not want to be. We will look back on it at that time and we will recognize it as one of those small steps, one of those small decisions that was made in the wrong way. For that reason, we are opposed to the substance of the bill.

Equally as important, we are opposed to the way in which the government has done this. From the day during the election campaign of 1987 when the Premier answered the press, “Yes, we support the common pause day,” from that day on we have been opposed to the way the government has handled this issue, because how can you defend the government when three



months later the government rises in this Legislature and says, "No, we don't support the common pause day"?"

**Mr. Faubert:** When? When did they say that? Absolute nonsense.

**The Acting Speaker:** Order, please.

**Mr. Hampton:** How can you support the government when that is in effect what it does? Further, when its position is called by all those groups out there in our society that recognized what was happening, the government says, "It's the local option."

**Mr. Black:** You should be ashamed of yourself. How can you look at yourself in the mirror.

**Mr. Fleet:** You haven't read the act.

**The Deputy Speaker:** Order, please.

**Mr. Chiarelli:** You're talking fluff now, Howie. It's all fluff.

**Mr. Hampton:** Then when the complaints flow in about the fluff of the local option, they respond, "All these criticisms are unreal."

**Mr. Faubert:** Fluff and nonsense.

**Mr. Chiarelli:** Define Sunday shopping, Howie. You can't do it, can you?

**The Deputy Speaker:** Order, please.

**Mr. Hampton:** We oppose the reporting back of this bill, as I have said, for those two fundamental reasons. One, we oppose the substance of the bill. It takes us in the wrong direction and will put us in the wrong place. And we oppose it because of all the shenanigans the government went through from August 5, 1987, onward in terms of trying to ignore the issue, cover the issue, dress up the issue, hide the issue or finally to say that those who were opposed to the issue really had no basis for their opinion, really had no social reality or real social basis in terms of putting forth the opinion they had. Those are the reasons we oppose it.

I say that the government ought to be ashamed of what it is doing and the government ought to take time now, before it is too late, to finally, once and for all, do the right thing. If, as they said on August 5, 1987, they are in favour of the common pause day and throw out this legislation and truly tighten up the act in terms of enforcement of what is there, we will be much better off.

**Mr. J. M. Johnson:** I am pleased once more to express my strong opposition to Bill 113. I would like to start by just quoting "Today's Quote" from the Toronto Sun, January 31, 1989. This is attributed to the Premier and the quote is,

"Nobody has ever maintained that this government is perfect." That is the understatement of this year, if not this century. "Perfection" is one word that will never be used to describe this government.

Having said that, I will start on my speech.

The report by Public Affairs Management Inc. states that the Liberal government has only two items on its agenda, and those are the free trade issue and the Sunday shopping issue. I am not sure whether the report is accurate or not, but let's assume that it is and move on from there.

Since free trade is not debatable at this time, I would like to move to the second item, which is the Sunday shopping issue, which is Bill 113 and its companion piece of legislation, Bill 114: Sunday shopping or Sunday closing or Sunday opening, but it is something to do with Sunday.

I would like to just ask one question: Why is Sunday shopping such a priority with this government and this Premier? Why, why, why? Who does the Liberal government hope to serve by forcing through Bills 113 and 114?

I have personally tabled many petitions in this Legislature strongly opposed to this legislation. I have received countless letters and phone calls and talked to people personally expressing their very strong opposition to this legislation.

I have, in all honesty, talked to some people who have supported the legislation and felt that Sunday shopping was a good idea. In fact, on my way down to Toronto on Monday past, I stopped at a retail store. In discussion with some of the clerks, one of them said to me that she looked forward to the opportunity for this legislation to pass and the stores to be open in Toronto so she could shop in Toronto.

I indicated to her that I felt this would be difficult, because she would be working in her own store if this came about. She was quite annoyed at this and said: "I have no intentions of working Sunday. I just want someone else to work Sunday to look after my needs."

That is the feeling of many people who support Sunday shopping. If it turns out that they have to work themselves, most of them change their mind.

Just as an example of some of the problems that were brought to my attention, this past Sunday my son and daughter-in-law were at our home. My daughter-in-law, Paula, works at Sears in Guelph. The people at Sears are very concerned that if the stores open in Cambridge or Kitchener-Waterloo, or indeed even in Toronto, their store will open as well and they will have to work Sundays.

1550

I pointed out to her that this is not quite accurate, that we have legislation, Bill 114, saying that you do not have to work on Sunday if you do not wish to. She thought I was kidding. She said, "You don't really believe that, do you?" I said, "No, but some of the Liberal members think it will happen and it is just ridiculous."

She pointed out that Sears has not hired very many full-time people in quite a few years. They are all part-time. They are given an agenda, the hours they will work. If they do not like them, then they get someone else to do it. What will happen, in her opinion, is simply that people who do not take their turn working on Sundays will not be given an opportunity to work any hours. In other words, they are not forced to work on Sundays, but they are told, "If you do not work, then you do not work here." That is the reality they are quite concerned about. I agree with them and I think most people would accept that proposition.

On the second point she raised, I had a great deal of difficulty explaining it to her. In fact, I could not. She said, "I thought the government had public hearings and had a committee listen to input from the people around this province." I said, "Indeed, they did." She said: "Well, for example, from Sears we sent in numerous resolutions and statements that were opposed to Sunday shopping. I understand many other bodies did the same thing. Did the committee not hear what they were saying?" I said the committee did hear what was told to it, but unfortunately the members of the government party on the committee did not pay any attention.

She was very concerned about that. Indeed, she was so concerned that she felt that it was nothing but a charade, that the government did not really intend to do anything but just go through the motions of doing something. She considered it a farce and a charade. In my opinion it was a very costly charade that meant nothing. Paula was so very disturbed by this Liberal government and its members that I do not think she will vote for the Liberal member for Guelph (Mr. Ferraro) in the next election. I do not think she voted for him in the last election, however, so do not construe that as a threat. Indeed, it was not.

This open, fair-minded Liberal government has turned a deaf ear to the concerns of the vast majority of the people it was elected to serve. This government believes it is all-wise and has the divine right to rule as it wishes.

**Mr. Fleet:** That was Bill Davis's line.

**Mr. J. M. Johnson:** If it was Bill Davis's it certainly has been picked up quite adequately by the member's present leader.

**Mr. Fleet:** We wouldn't recognize it.

**Mr. J. M. Johnson:** The reason I feel compelled to speak once more on this piece of legislation is because of the Liberal members in this assembly. If they would represent their constituents and speak on behalf of the 94 ridings they represent, then the opposition members would not have to speak constantly on these same points we have tried to raise. As has been pointed out by numerous members, if the Liberal members do have points to express, they have opportunities to express them, to get on the record.

**Mr. Fleet:** I am. All my interjections.

**Mr. J. M. Johnson:** Unfortunately, very few of them have exercised this option.

**Mr. Fleet:** I am in favour of the bill. What more can I say?

**Mr. J. M. Johnson:** As soon as I am finished speaking, the rotation goes over to that member's side or to the side of any Liberal member. Any one of them can speak. This has occurred on numerous occasions and they have declined that right.

**Mr. Fleet:** Sit down and watch. One of us will speak.

**An hon. member:** They are not allowed to speak.

**Mr. J. M. Johnson:** They are not allowed to speak?

**An hon. member:** No, not from the heart.

**Mr. J. M. Johnson:** That is too bad.

**The Acting Speaker (Mr. M. C. Ray):** Order, please. There appear to be a number of private conversations and miscellaneous heckling of the speaker. Out of respect for the member for Wellington, could he please have the floor in an uninterrupted way.

**Mr. J. M. Johnson:** Thank you, Mr. Speaker.

I was referring to the fact that very few of the Liberal members wish to speak on this resolution. In fact, in this case we are at the bill itself, Bill 113, so I do hope they exercise that right in the next few hours.

I would like to make reference—I stand to be corrected and I do this understanding there could be a mistake, but I am prepared to accept that. In April of this year, our research people posed a question to the constituency office staffs for the



Liberal MPPs. The question was, "Does your member support Sunday shopping?"

Of the 82 responses, 13 said yes, 27 said no, 11 were unsure and 31 refused to comment. Those who refused to comment or did not know the answer suggested a letter be written to the member or requested the Queen's Park staff be contacted or the member be contacted directly. As I say, that may be incorrect. Certainly, that was last April. I hope the numbers would have changed by this time, but if they are not accurate numbers, possibly the members could correct the comments in a few minutes.

I would like to make reference to a couple of letters. One is from the office of Cardinal Carter and I will read it into the record. It is dated January 17 and reads:

"Reverend and Dear Father:

"The Sunday retailing issue is again before us. It is expected that bills 113 and 114, which would almost inevitably lead to wide-open Sunday shopping, will be voted on in the provincial Legislature within the next 10 to 12 days. We are therefore appealing to you and to your parishioners to contact your local member of the provincial parliament by telephone or in person."

I assume this letter was addressed to all the parish priests.

"We hope that you will make every effort to inform your parishioners at this critical time. It is crucial that your concerns and their concerns about the preservation of the common pause day be voiced now."

It was signed by Cardinal Carter.

This is a matter that causes concern, to have to bring religious matters into the House when sometimes people feel that religion and state should be separate. I will make reference to that in a minute, but I would like to mention how it affects me personally.

My secretary in my constituency office, Mary Heffernan, is a devoted member of the Catholic church. Her priest, Father Leo Speagle of St. Mary's Catholic Church, Mount Forest, read this letter to his parishioners. Mary Heffernan said she was approached by many of the congregation expressing their concerns to her and asking her to convey them to me.

I felt they were so strongly opposed to it that I should reflect that view here. That is why I wanted to mention this. As I said, it relates not only to the cardinal's letter, but to the personal plea by Father Speagle from Mount Forest.

I am sorry the member for Renfrew North (Mr. Conway), the House leader, had to leave,

because I am sure he would be interested in the cardinal's letter.

I made mention of the fact that church and politics often create a problem, but really I think we have a complicating factor, because in this legislation we have a religious clause that does that very thing. I would like to make reference to that.

## 1600

This is an editorial in the Kitchener-Waterloo Record on Friday, September 2. The headline is, "A Weak Clause in the Sunday Bill." It goes on to say:

"The legislation would allow a store to be open on Sundays if it is shut on another day because of the owner's religion.

"Determining a store owner's religion is not always easy. What happens if there are several owners who have different religious views? What happens if a person changes religion primarily for business reasons? What happens if someone who is truly religious is not a member of a religious organization and therefore has no documentary proof of being religious?

"Questions of this nature apparently are on the mind of at least one Liberal member of the legislative committee that is holding hearings this summer. Ron Kanter said this part of the bill was difficult to draft. He said, 'There is a concern that people don't manufacture religion for the purposes of the bill.'

"He also said that if the bill is passed in its current form, the courts will ultimately have to decide if a store owner had manufactured religious beliefs to stay open on Sundays.

"The courts may have many jobs to perform, but determining a person's religion is not one of them. Religion is a personal matter.

"The religious exemption clause in the shopping bill has not been thought out well.

"The committee should advise the government to take a fresh look at the legislation."

I concur that religion should not be drafted into this legislation. It causes me a great deal of concern.

I would like to leave this part of the discussion by reading into the record another comment from another religious leader. This is a Toronto Star article dated January 25, 1989. The headline is, "Senior Bishop Attacks Premier on Sunday Law." I will just quote two paragraphs of it.

"A leading Anglican bishop has accused Ontario Premier David Peterson of being 'unreasonable and irresponsible' for pushing through proposed Sunday shopping legislation.

"Archbishop John Bothwell of Niagara, the Anglican Metropolitan or senior bishop of Ontario, yesterday told the Star that it appears bills 113 and 114 will be passed even though surveys have shown that many Ontarians are against Sunday shopping."

I am quoting from the Star. Maybe they have made a mistake, but I understand the Premier also reads the Star and is very much affected by what the Star may say. Hopefully, he has read that article as well.

I will move on. I only have a few more minutes. The municipal option sounds pretty good and I am very supportive of local autonomy. Most of my municipalities would like more control, more local autonomy. They would like control of their destiny.

They use the example that land use and planning are possibly areas where if this government would give them some say, it would mean something, but in the needless bureaucratic delays and red tape in receiving approvals for sewage projects, housing and industrial expansion—nearly any form of development—the government refuses to give them any say in that.

They are quite willing to give them the responsibility to deal with this issue, because they do not know how to handle it. They are treading upon the municipalities in placing this legislation that they will not even address. Most of the municipalities have repeatedly stated that the present legislation, which was upheld by the Supreme Court of Canada, would be satisfactory with a few amendments and some good common sense. Of course, the government lacks that.

If the government feels so strongly that it needs Sunday shopping, then I submit it has a similar responsibility to provide services to the public. The courts are overworked at the present time. Perhaps working Sundays would reduce their workload. Instead of building new schools, the schools could be open seven days a week. That would solve part of the education problem. I mentioned the other day in this Legislature that the driver examination centres could be open on Sundays to cut down on their workload.

Are the liquor stores not important to our tourists? I asked the Minister of Consumer and Commercial Relations (Mr. Wrye) that question in the House about a year ago. The minister said Sunday opening would be up to the Liquor Control Board of Ontario. However later, after the Premier's staff briefed him, he did an about-face and said the government would not permit the sale of alcohol even in municipalities that opted for Sunday shopping.

When I questioned him in the House the next day he said they thought the number of hours the liquor stores were open now was appropriate and they did not contemplate a change. I agree with him, but why do the retail stores have to open seven days a week if the LCBO retail stores do not have to?

**Mr. Black:** They don't have to.

**Mr. Fleet:** They don't have to open, Jack.

**Mr. J. M. Johnson:** Just a minute then. Through you, Mr. Speaker, I will try to talk to this rump on the left and point out that when those members say the retail stores do not have to open, I accept that. But they do, because of many other factors, though not the legislation. The legislation allows the municipalities to decide if the stores will open. Then why not allow the retail LCBO stores to open as well? I say to the rump, let the government give the LCBO stores the right to stay open if their municipalities request it.

However, at the recent conference of the Association of Municipalities of Ontario, the Treasurer (Mr. R. F. Nixon) refused to accept a resolution from AMO requesting the government reconsider its plan to let Ontario's towns and cities decide if they want Sunday shopping. That is the fair, open-minded government we have. At the same conference, the Minister of Municipal Affairs (Mr. Eakins) said: "The current situation has been a hodgepodge. The tourist area option to open is important because of the emphasis on tourism in Ontario."

"If you do not want to be open, you do not have to be," he added. How will the tourists like one town wide open and one town closed tight? "That is local option, and that is good for tourism." I think not. If the government is concerned about tourism, why should the retail stores be open Sundays but not the LCBO? Is that not hypocritical?

**Mr. Faubert:** No, it's accurate.

**Mr. J. M. Johnson:** Is that permitted? If not, Mr. Speaker, I will withdraw it.

**Mr. Breaugh:** Frank says it's accurate, so it must be okay.

**Mr. J. M. Johnson:** I would like to make something very clear because there is a tendency for things to be taken out of context. I want to make it clear that I do not advocate or support any of these institutions being open on Sundays. Their employees are entitled to spend their Sundays with their families, but so are the retail merchants and their employees. Surely all reasonable members of this Legislature concur



with that thought, even the member for Scarborough-Ellesmere (Mr. Faubert).

**Mr. Faubert:** Agrees with that.

**Mr. J. M. Johnson:** Agreed.

**Mr. Faubert:** Right.

**Mr. J. M. Johnson:** Let the record show he has agreed.

**Mr. Breagh:** He is only the temporary member for Scarborough-Ellesmere.

**Mr. Faubert:** For the next three years, anyway.

**Mr. J. M. Johnson:** Temporary.

**1610**

I feel qualified to express my views on this legislation because of my personal experience. I spent over 30 years in the retail business. It is a very similar type of business to that of the many thousands of people in this province, small business people, who will be affected by this legislation. I hope I can speak on their behalf.

I also had the opportunity to serve on a municipal council for several years, and I think I can speak for many of these small councils that will be faced with this major decision of how not only to determine the issue but also to police it. It is quite a responsibility for these municipalities.

**Mr. Miller:** Did you pace yourself? Did you run your chamber yourself?

**Mr. J. M. Johnson:** The Speaker advised me not to listen to interjections.

**Mr. Miller:** I think that's the way it was run. You didn't have governments tell you.

**Mr. J. M. Johnson:** I will disregard the one from the member for Norfolk.

In closing, I would like to state my support for the recommendations of the select committee on retail store hours, especially two key recommendations: "The committee supports the principle of a common pause day in Ontario" and "The primary responsibility for the administration of the Retail Business Holidays Act...should remain that of the provincial government."

**Mr. Smith:** It's under the municipalities now, six days a week.

**Mr. J. M. Johnson:** If there are problems with the present law, as legislators it is our job to fix those problems, not pass the entire issue on to another level of government.

**Mr. Black:** That's what we're doing.

**Mr. Fleet:** Is that the punch line?

**Mr. J. M. Johnson:** Did you catch that, Mr. Speaker? Their heckling was rather loud.

The executive of the Association of Municipalities of Ontario agreed 58 to 3 in late November. Does that indicate they have the support of the municipalities? Maybe they do have support from 3, but 58 said no.

**Mr. Fleet:** Sault Ste. Marie was one of the three.

**Mr. J. M. Johnson:** Sault Ste. Marie was one of the three. I imagine Niagara Falls might be one.

In late November, the Solicitor General (Mrs. Smith) said it would be the chicken way out to hand the issue over to the municipalities. However, on December 1, 1987, the same Solicitor General said, "It is the intention of this government to introduce in the new year legislative changes allowing individual municipalities to regulate Sunday opening."

The question before us then is, will the chickens come home to roost? I can assure members that our party will do everything we can to ensure that this does not happen, that the legislation does not go through; but unfortunately I have a feeling that by six o'clock tonight we may see something different. It is now up to the citizens of this province to do their share to see that the results of this legislation bear fruit.

The Premier has stated that he wants to lead the opponents of Sunday shopping into the 21st century. I submit that while he wants to lead the opponents into the 21st century with Sunday shopping, they are not fussy about going.

In final conclusion, I would like to say that by coincidence I was watching a program on TV Ontario last night and the program dealt with Ontario in the last century. The topic was responsible government. I found it quite intriguing because it zeroed in on the very problem we have here. It pointed out that a government's clampdown leads to abuse of power, and that is what we have here. It is one individual, possibly with a few staff members, advising what is in the best interest of this province, cabinet listening to that irresponsible advice and then making decisions that are not reflective of the views of the people in this province.

This is exactly what has happened with this piece of legislation. It was mentioned earlier that the government was committed to an agenda that had two topics, one free trade and the other Sunday shopping. It is now dealing with Sunday shopping and hoping to finish it in the next week.

**Mr. Cleary:** The bottom line.

**Mr. J. M. Johnson:** The bottom line or the punch line is quite simply that good government should be that the cabinet is responsible to the

Legislature and the Legislature is responsible to the people. The people do not want Bill 113; they have made this abundantly clear. This Liberal government is not responsible to the people.

I am sorry that the Liberal rump on my left laughed at my remark when I said the Legislature is responsible to the people. It was my understanding that this is what this process is all about. I think the members on this side of the House, from my seat up—

**Mr. Fleet:** On a point of order, Mr. Speaker: The member for Wellington inadvertently, I am sure and quite sincerely, misinformed the House. There was no laughter at that comment. There were other interjections to which there was laughter, but not at the comment the honourable member referred to.

I would also say that we did enjoy his comments, even if we did not always agree with them.

**The Acting Speaker (Mr. M. C. Ray):** That is not a point of order. It is very difficult for an opposition member to give an address when he is being heckled from three sides of the House. I have asked before that respect be given to the member for Wellington. I hope that will be the case.

**Mr. J. M. Johnson:** In conclusion, I would like to respond to the point the member for High Park-Swansea made. If there is any way that I reflected in any sense anything of a nasty nature against the members, I do apologize because I certainly did not mean to imply that. I think they are misinformed. They are not really acting dangerously, but it is nothing much more dangerous than that.

Having run out of things to say at this time, and since the time is now within a few hours of voting, I will finish so that some other members, hopefully from the Liberal Party, can put their views on the record.

**The Acting Speaker:** It is now in rotation and there is an opportunity for government party members to speak.

**Mr. Kanter:** I am pleased to rise and respond to some of the comments of both opposition parties and to speak in support of this motion to adopt the report of the standing committee on administration of justice on Bill 113.

I know there were some members who had the opportunity to travel with the committee very extensively, as I did. The member for Rainy River (Mr. Hampton) was a member of the committee for part of the time. The member for Wellington was not. There are other members in

the chamber who were also members of that committee on either a regular or substitute basis. I want to remind all members of the very extensive committee hearings on this matter.

We held public hearings in 14 communities in this province. We were in Toronto and we were in every part of the province—the north, the east, the west and central Ontario. We listened to the priest from Sudbury who was mentioned. We listened to employees of many firms. We listened to former municipal councillors. We listened to pensioners. We listened to steelworkers. We listened to people in many diverse communities and we heard many diverse views. There is no consensus or agreement on this issue. There are strong feelings about the issue on both sides.

The committee wrestled with the issues that were presented to us. In fact, we devoted 23 days to clause-by-clause examination of this bill. It is a bill, I would remind members, which is a relatively short one. It contains but eight clauses. It is in itself an amendment to the earlier Retail Business Holidays Act. I would suggest that rarely have members of this House devoted so much time and attention and care and concern to any piece of legislation as we have devoted to the amendments to the Retail Business Holidays Act.

I want to make a point. I think it is an important point and one that reflects on all sides of the House. I think the committee hearings were effective as well as extensive. It was not just a case of listening; it was a case of acting on the concerns that we heard from many constituents representing varying views.

**1620**

I remind all members of the House that there are now nine amendments to this bill—a bill which has eight clauses. Seven of those amendments were moved by government members. We accepted two amendments from opposition members. In fact, I accepted a subamendment to one of my amendments from the official opposition. So there are a total of 10 amendments to a bill that has only eight clauses. I think that is some indication of the extent to which the government went to listen and respond to the concerns that were raised through the very extensive and very effective committee hearings that we held on this bill.

I would like to say that, in part, I think there were some very effective proposals made by opposition members. There were one or two areas where perhaps they strayed from the main thread of the bill—I will get to those later—but I want to commend all of the members who took



part in this debate and the committee hearings. They were extensive. They were effective. I want to commend all of the members of all parties who took part in these very extensive hearings.

I want to just emphasize the three main areas where amendments were made because, after all, what I understand we are debating this afternoon is a report on the committee hearings on this bill. That is what is before this House. There are three main areas of change that resulted from our committee hearings: first, stricter enforcement of the provincial closing bylaw; second, a more accountable local option, and third, a more realistic way of dealing with pharmacies. I would like to deal with each of those issues.

First, I think it is widely recognized by all members of the House that there are some serious shortcomings in the current Retail Business Holidays Act. One of the most obvious shortcomings is the relatively low level of the maximum fine of \$10,000. To most of us, a fine of \$10,000 would sound quite substantial, but I understand that to a major retailer who might want to defy the law and be open on a Sunday or holiday, its gross sales could be many times the \$10,000 amount.

We have made some very substantial amendments to tighten enforcement. We have moved to increase the maximum fine to \$50,000. We have also moved to accept gross sales of the business on a Sunday or holiday as an alternative. I want to emphasize the wording "gross sales of the business." We are not talking about a percentage of profit. We are talking about the entire gross sales. Certainly, if a fine of that type were levied on a business, it would suffer a loss on that day because, obviously, it is going to incur some costs of doing business on that day. It is a very tough fine and a very substantial increase over the current law.

We have also amended the law so that a breach of a municipal bylaw will result in the same fine, up to \$50,000 or gross sales of the business on a Sunday or holiday. Again, it is a tremendous strengthening of the law in its enforcement aspect.

We have accepted another amendment so that coercing or counselling a person to contravene a provincial law or indeed a municipal bylaw will result in the same fine, up to \$50,000 or the total gross sales of the business. This is designed so that if it should be found that a mall owner or lessor or someone else should be coercing or compelling a person to break a law, he too would be subject to a very substantial penalty.

I would say that the committee worked very hard to make the enforcement of this law tougher. That was something where there was general agreement between many of the deputants coming before us and members of all parties. I think the committee worked very hard to strengthen the enforcement provisions.

**Mr. D. S. Cooke:** That is wide-open Sunday shopping.

**Mr. Kanter:** It is interesting to hear an interjection from the member for Windsor-Riverside, who comes from a community that has exercised the local option for 10 these many years. It is interesting that at one point the member for Windsor-Riverside was quoted in the press as saying that perhaps his party should reconsider its formerly held views. I understand he was whipped into shape by whatever powers that be in the official opposition, but I think it is interesting that the member for Windsor-Riverside is one of those interjecting in the debate at this time when the type of local option to allow for local variations is precisely the one that this government has continued.

However, I am getting a little ahead of myself. I want to talk about pharmacies. Pharmacies have been a very difficult part of this bill to regulate. I think most members of the committee on all sides agreed that it would be wise to try to permit the sale of prescription drugs in this province on Sunday in all communities.

However, at the same time we realized there was a major irritant to those responsible retailers who want to stay closed on Sundays to find that there were very large stores, superstores, selling hardware, foodstuffs and all manner of goods, that were able to be open on Sunday simply due to the fact that they had a small prescription counter.

All members of the committee grappled and struggled with the issue of what size a traditional drugstore is, how big it should be and how small it should be, what it should sell and what the regulations should be. The predominant view of the committee was that pharmacies in the province up to 7,500 square feet should remain open.

I want to emphasize that this decision was reached only after very, very extensive research conducted by the impartial legislative library research service which was serving the committee.

We had one piece of information, dated September 27, 1988, which surveyed about 1,000 of the 2,000 drugstores in the province. The survey showed that about 69 per cent of the

pharmacies in the province were under 5,000 square feet, about 25 per cent of the drugstores in the province were between 5,000 and 7,500 square feet and after that the numbers dropped off very rapidly. There were a few between 7,500 and 10,000 square feet and less than one per cent greater than 10,000 square feet.

There was some concern over that information. There was some concern whether that information was complete and whether it reflected the wide variety of drugstores in all of the communities in Ontario. All members of the committee requested the research staff to conduct a second survey broken down by districts. We looked at 11 of the 15 geographic districts which the province is divided into under the Health Disciplines Act.

We looked further at the effect of closing drugstores, let's say, less than 5,000 square feet. We found that would result in a complete closure, a loss of service, in about 25 per cent of the communities surveyed. We found that if we did that, communities such as Cornwall, Lindsay, Barrie, Georgetown, Fort Erie, Wingham and New Liskeard would not have any prescription drugs available on Sunday.

As a result of that fairly extensive information, the committee decided that 7,500 square feet was a reasonable figure to ensure that most municipalities would have prescription drugs available on Sunday but that the very large, really department stores, mini-department-stores or not-so-mini-department-stores that also sold prescription drugs would not be able to be open.

I think that was a motion that generally found favour with many of the deputants who appeared before us. We did hear that one of the opposition parties, not the official opposition but the third party, wanted to increase the size of drugstores still more. They wanted to increase the size of drugstores to 10,000 square feet.

We felt, on balance, that would not be fair to the many other types of merchants who wish to remain closed on Sunday. That is why, after very careful consideration and independent, unbiased research, we made the change that we did in the bill to pharmacies. We are allowing those pharmacies that may be larger than 7,500 square feet either to reduce their size to that figure or to apply to their local councils to see if they might obtain a proper and legal exemption.

### 1630

I want to emphasize how much better that is than the current situation where there is virtually no regulation in the area of pharmacies, where the law contains a regulation that restricts the

number of employees in drugstores which has proved unenforceable, absolutely impossible to enforce. It is our view that the replacement of a test of the number of employees with a square-foot test, a realistic, tested, surveyed figure in terms of the number of square feet is a much more effective way of regulating pharmacies in a fair and enforceable manner.

The third major area of change is that of adding greater accountability to the local option in the bill. I was very interested, as we travelled about the province, to examine the way local option has worked in this province for the past 15 years. Local option is not a new thing either in the regulation of Sunday retailing or in the regulation of other types of activities in this province, but I was particularly interested, as we travelled around the province, to see the great deal of flexibility and common sense that people of Ontario have applied in going the local option route.

For example, we were in the town of Collingwood, which was open on Sunday, which permitted Sunday shopping. We were in Orillia, and I thought Orillia was a particularly interesting location, because Orillia at one point had Sunday shopping in the downtown area and then decided it did not want it any more. Barrie had never had Sunday shopping. It was interesting, because I think it showed very clearly that some of the dire consequences that were predicted—that the local option would lead to the domino effect, that the local option was irreversible—were very clearly refuted by the experience of the people of Ontario.

We went to other communities. We heard evidence about the Niagara Peninsula where some municipalities are open and some are closed. Stratford is open during the festival season. Thunder Bay has a very interesting and, to my mind, unique sort of opportunity for people who are handicapped to shop on one Sunday in November. Certainly my colleague who represents that area is aware of the fact that this is just one of a package of things that the community does to help the handicapped. I thought it a very creative use of the local option in that community.

We learned subsequent to the committee's hearings, the clause-by-clause hearings, that there were two votes, two referenda during the municipal election. One of them was in the community of Sault Ste. Marie, which had had some practical experience with Sunday shopping, and Sunday shopping was endorsed by a majority of those voting in the referendum.



Another was in Brantford. In Brantford, which has not had a local option in the community itself, although there is one in the nearby community of St. George, Sunday shopping was rejected by a referendum.

I do not think that anyone who followed that committee or took part in that committee or indeed who has taken part in this debate should be surprised by the results, because the reality is that people in this province are divided in their views on this issue. There is no consensus.

There were, however, some problem areas identified in the operation of the local option over the years and these are some of the problem areas that the committee worked very hard to improve. I think the most important single amendment that this committee moved was one to make the local option more accountable to people who live in local municipalities, because since 1975 and up to, I understand, the last couple of weeks, municipalities have been able to open up in whole or in part without any notice or participation of local citizens. I think that is wrong; I think that is inadequate; I think that is one of the other inadequacies of the former legislation, and the committee went a long way to fix that.

The committee put in a notice provision. Any proposal to open up or close down services or retail businesses on Sundays has to be advertised in the local press and has to be the subject of a public meeting. Anyone who wishes to speak at that public meeting must have an opportunity to speak, a tremendous increase in the amount of accountability and the extent to which people who are interested in this issue can speak out on it.

It seems to me tremendously easier not perhaps for my constituents, but for constituents, for example, from the constituency of Rainy River or perhaps the constituency of Wellington to go down to their local city hall or their local town hall and to speak out on this issue at the local level rather than having to come down to Queen's Park, which may be a great distance.

One of the things that really surprised me in this entire committee process—I am trying to give as impartial an account of the committee decisions as I can—was the fact that the official opposition voted against public notice and public hearings on this very important subject.

I had been led to believe, perhaps falsely and incorrectly, that the official opposition liked to represent themselves as supporting public access, public involvement and public participation. Here was the most important opportunity to allow every individual resident from every

individual city that was even contemplating a change in its Sunday shopping legislation, to let the average guy have a say, and the official opposition voted against notice and hearing.

There were a number of other positive and constructive provisions, changes and amendments that we made to this bill. One of them involved the possibility that municipal councils could adopt a plan and set out criteria. We heard a great deal about the desirability of having criteria. The only problem was that nobody could agree on exactly what they should be.

There were tourism groups that felt shopping was an integral part of tourism in all parts of the province. There were labour groups that felt we should be much more restrictive and allow Sunday shopping in resort areas but not in other tourist areas. There were some religious groups that thought we should cut back the current tourist exemption and some religious groups that felt that current exemption was okay.

There was a great deal of diversity from different interest groups and different geographical groups. There was a group that made a representation before the committee and has subsequently suggested there be a limitation on the size of stores open in various local communities.

I want to be very clear that the part of the bill that enables municipal councils to adopt a plan or criteria will permit local councils to do all of these kinds of things, to deal with criteria on a rational basis. They can consider their regulations with respect to store hours on other days of the week as well. This is a power they now have. They can look at it and they can deal with it as part of a comprehensive package.

I have had some experience, as many other members have, as a member of local council. In the area of zoning bylaws, there are often similarities between different municipalities and there is a possibility of establishing a model Sunday closing bylaw which the Association of Municipalities of Ontario or other groups might want to initiate and advertise or publicize. A number of municipalities of similar size or similar interests might adopt a similar sort of bylaw.

We have asked that all municipalities review their existing tourism bylaws within a five-year period. There were some rather surprising municipal bylaws. There were some situations where a single furniture store or a single fruit stand in a municipality had been declared a tourist zone or a tourist area and some people felt

that was not fair to other businesses in the municipality.

We also passed an amendment to ensure that traditional tourism businesses such as laundromats, motels or restaurants could remain open without any impact from their local municipality.

I have heard the speeches by both opposition members today. I have certainly heard speeches on other occasions from other members of the opposition, but I would like to comment on what appears to me to be a slight amount of inconsistency perhaps in the arguments of the opposition parties.

I heard, for example, the member for Rainy River say that the fundamental issue was the desire to have a common pause day. I would ask the member for Rainy River—I know he is not here in the House now, but hopefully he is following this in the electronic media or he will read it in print on some suitable occasion—what steps he has taken to ensure that there is a common pause day in or near his riding.

I understand, for example, that the local option has been exercised in Kenora. That is quite close to the member's riding. I ask whether he has taken steps to close Kenora down. I ask what steps he has taken, as a member of the Legislature, for industries in his area, be it the lumber industry or the mining industry, to ensure that there is a common day of pause for all the members of that industry. Surely, if a common day of pause is important for members in the retail industry, it is no less important for members of other industries.

1640

Members of the official opposition made a great deal of their opposition to the local option. I am sorry that the member for Cambridge (Mr. Farnan) is not present in the House at this time, because we had a very interesting interchange when the committee was visiting Brantford.

A member from Cambridge council appeared before our committee, and I asked this particular person who is currently serving as a member on the Cambridge council whether there had ever been any local options approved by that municipality. I was told that there had been. This was an opening in Cambridge to help the textile industries, I believe, to show off their wares.

I pursued it further because I knew that Mr. Farnan had been a member of that council. I pursued the issue with the member from Cambridge council and I asked who on the Cambridge council had introduced that motion. I found that it was Mr. Farnan who had—

**The Deputy Speaker:** Order, please. There is a tradition that members are not referred to by name.

**Mr. Kanter:** Mr. Speaker, you are absolutely correct. It was the member for Cambridge, currently sitting in this House, in a slightly earlier life, who sponsored a motion in Cambridge city council to support a local option, to support an exemption from the Retail Business Holidays Act on Sunday, June 8, 1986, that was later approved by the regional municipality of Waterloo.

Interjections.

**The Deputy Speaker:** Order, please.

**Mr. Kanter:** If I might be permitted to continue, it seems to me that there is some inconsistency between the words of the members of the official opposition, and indeed the third party, and what is actually happening in their own ridings, in the ridings they represent.

I notice the member for Windsor-Riverside (Mr. D. S. Cooke) and refer to the fact that downtown Windsor is open. As for the member for Sault Ste. Marie (Mr. Morin-Strom), I notice that not only is his municipality open, but there was a referendum, which I have referred to, which supported its being open. The member for Rainy River I have already referred to.

Regarding the members and the leader of the third party, it has often been mentioned that Point Edward is open. I had always wondered where Point Edward was and I had an opportunity to visit the constituency of the leader of the third party, the member for Sarnia (Mr. Brandt).

I had thought that perhaps Point Edward was some isolated, little location cut off from the rest of the city, some little waterfront location or something like that. I was quite surprised to discover that Point Edward was an older community, perhaps one of the founding earlier parts of Sarnia, an integral part of the city of Sarnia. I discovered that Point Edward, as is well known, has utilized the local option for some time now.

The member for Wellington (Mr. J. M. Johnson), who spoke previously, talked about all the concerns he has about the local option. Yet the town of Fergus and the village of Elora have exercised the local option right within his very constituency, right under his nose. Right in his very backyard a municipality is exercising the local option.

I was interested to find that virtually every single member of the third party—the member for Markham (Mr. Cousens) is here. The old town of Markham, along Highway 48, exercises the local option. In the east part of the riding of the



member for Durham East (Mr. Cureatz), who took part in many of the proceedings of this committee, in Cobourg there is a local option operating.

Interjections.

**The Deputy Speaker:** Order, please. As I did at my last stage in the chair, I shall remind all members of all parties of the standing orders which call for one member at a time and one member only, with comments from other members before or after but not during.

**Mr. D. S. Cooke:** Oh, we can make comments after?

**The Deputy Speaker:** If you want to make a speech. There is no question period afterwards. If people want to make a speech afterwards or before, they can make it, but not during the time that a member has the floor. The member for St. Andrew-St. Patrick.

**Mr. Kanter:** Thank you very much, Mr. Speaker.

I have tried to suggest that members opposite are not quite as unfamiliar with, nor indeed are they quite as unaccepting or as opposed to, the local option as they would perhaps let some of their constituents believe.

Interjections.

**The Deputy Speaker:** Order. The member may proceed.

**Mr. Kanter:** I have concentrated primarily on the amendments to this legislation made by the committee, because I think that is the most appropriate issue to discuss, to highlight during this debate. In closing, however, I would like to remind members of some of the provisions of the bill that remain in effect in the main body of the bill, because I have been talking to some extent about the local option which is the exception to the basic rule maintained in this legislation.

Section 2 of the bill prohibits people from carrying on retail businesses on Sundays or holidays with the fairly minor exceptions of convenience stores and small pharmacies. Some of the other provisions of the bill I have referred to in passing: the much stricter, tougher enforcement provisions; the provisions of the bill which allow advertisements to be taken into account; the provision of the bill, and I think it is a very significant one, which permits the government or the municipal council to obtain an injunction against people who have been open illegally in a flagrant manner, permitting us to avoid the very lengthy court procedure. I think the bill is greatly strengthened in those regards.

I want to refer, for just one moment, to the comments of the member for Wellington on the religious provision of the legislation. I would agree with him that religion and politics are always a very difficult mixture, as I am sure members can understand from the issue of the Lord's Prayer or other issues. But I would submit that it is acceptable, perhaps even desirable to reflect religious differences and divergences in practice, to reflect, permit and encourage them through legislation like the Retail Business Holidays Act rather than trying to ignore or deny the diversity of this province, as some—not necessarily the member for Wellington—would do.

I have tried to indicate in a very short time why I feel that Bill 113, as amended, is the most appropriate legislation for this province. I have tried to show how Bill 113, as amended, continues to provide a province-wide law requiring most stores to be closed on Sundays and holidays; how the government has assisted the enforcement of that province-wide closing law; how we have included higher fines, changes to the rules of evidence, the power of injunction to increase the enforcement of that stricter, province-wide closing law, and how, where we have allowed a municipal option to continue, we have strengthened accountability so that the average person now has a say where he did not used to have a say.

Perhaps some members of the official opposition find that a funny, ludicrous, hilarious proposition. I think it is important, I think it is at the heart of democracy and I think it is very important that it be exercised at the level people have the easiest access to.

I urge all members to support the motion before us and adopt the report on Bill 113, as amended by the standing committee on administration of justice.

1650

**Mr. Mackenzie:** I am pleased to be able to say just a few words on Sunday shopping on the motion to adopt the report of the justice committee. Having just listened to the member for St. Andrew-St. Patrick, I can understand why the Liberal government is so confused, totally preoccupied and almost petrified over one issue, Sunday shopping.

**Mr. D. S. Cooke:** Paralysed.

**Mr. Mackenzie:** Paralysed, I guess, after I have heard the remarks that have just been made.

I would also like to say that the member for St. Andrew-St. Patrick really insults the intelligence of the members of this House, the members of the

committee that travelled around this province, and certainly the delegations that appeared before that committee and the public as well when he tries to sell us the song and dance that they listened hard, considered everything and gave serious consideration to the presentations that were made.

That is patently false, and people know it. The groups know it, the religious groups know it and the unions know it. He may be able to convince himself, and that may be part of the problem the Liberal Party has right now, but it is not the truth. The public in this province knows darn well a bill is being shoved through that a majority of people do not want.

They also know the amendments that have been made are not that substantive, certainly not in the face of a bill that is going to see a local option that is going to have some domino effect, whether it occurs in every part of this province or not. As I have said in other presentations to this House, we have been through that situation in my own community in past years.

He is simply not very convincing when he tries to tell us how seriously his party took this set of hearings, and as I say, it is not going to wash with the general public.

I might also say that I am told by some of my colleagues from conversations just in the last couple of days with a couple of Anglican ministers—maybe they are a little naïve; I hate to say it—that they were firmly convinced the other day when the Premier (Mr. Peterson) said his members always have a free vote on an issue like this, that it meant there were going to be some great surprises and that a lot of the Liberals were going to vote against this legislation.

I just want to tell those Anglican ministers: “Sorry, you’re whistling in the dark. The Premier didn’t mean it. It was a joke. The party whip is out on this issue.”

I wish it would happen, but I will be the most surprised member in the world if a single Liberal has the guts to get up and oppose this bill, although it is obvious some of them at least are upset about it. They may not be totally opposed to it, but they are not overly happy with it. There is not one of them who is not going to have the party whip decide exactly how he is going to vote on it, so I just want to assure some of my friends and colleagues who have been dealing with some of the religious community that there is no truth to the consideration, which they took seriously, that the Premier meant it when he said there would be an open vote on these bills in this House.

This is one time when I personally am pleased and proud to be able to stand on the no side of an issue. It is not always the case. When you are in opposition, you sometimes—

**Mr. Black:** All you ever do is oppose.

**The Deputy Speaker:** Order, please.

**Mr. Mackenzie:** Well, it is the role the opposition plays too, but some of the government members do not understand that because they do not like opposition. They do not like somebody saying: “Hey, maybe you don’t have all the answers. Maybe there is another side to an issue that is genuinely held by a large number of people in Ontario.” That seems to rub Liberals in particular the wrong way and I sometimes wonder why.

But I am proud of it, and why? I think it is the public’s side of the issue; I know it is of the groups I talk to. Admittedly, that is a lot of the unions, but also a lot of community groups and some of the concerned citizens’ groups in my constituency. We are in pretty regular communication, not that I am myself a strongly religious person, with a number of the churches in my community. All of these groups I am dealing with, which is a substantial number, are not in tune with the government on this bill, so I think when I say the public’s side, there is at least some merit to the argument I am making.

Maybe I would go so far as to admit that I may even be on the old-fashioned side of this issue, because I think that just may be a factor in Ontario. Surely, to preserve the Canadian tradition of a family day, a common pause day, has something good about it, with all the complications it may bring in and with all it may mean to some of the other religious groups in our community.

I do not think there is anything wrong with the value that has been established for an awfully long time in Ontario. Surely, we are not in such a mad rush in this province of ours—“a mad dash to deregulation,” my colleague the member for Rainy River (Mr. Hampton) said. I guess I would just say to commercialism, an approach that is so rampant in the United States today. I do not think it is in Ontario’s best interest to sacrifice tradition and tried and true approaches, old fashioned values if you like, for greed and commercialism, and maybe added to that a little bit of convenience, which I will admit.

Where is the urgent public pressure for this kind of legislation, for this particular bill? If the government has support for it, it certainly does not have majority support for it. It is much easier to find the opposition than it is the support for this



legislation. Just at a time when many people in our province are trying to take a look at how they might make life a little easier, to cut down on the hours of work or extend the time off, statutory holidays or vacations, the Premier and this Liberal government all of a sudden say: "Hey, we want to extend it. We want to open up on Sundays as well." We are really going to lengthen, in many cases, the hours of work.

This government said it would not change the common pause day. Because it was said during the last election, it could be called, if you like, an election promise. Alas, Liberal promises are now known for what they are worth—con jobs, worthless, and in some cases outright lies.

The many groups that appeared before the committee that was holding hearings on Sunday work have also been close to being slandered in this House and held in contempt by some members of this House. I have listened to some of the windy rump on the other side of the House saying, "Oh, all the groups that appeared before the committee were the same people." If I were the Catholic Women's League from my town or some of the other groups that appeared across this province—there were some common organizations that appeared or organized several hearings, but to hear members say, "Oh, they are all the same people," is an insult and a slander to those groups that appeared before that committee.

I did not name the members. I could name at least two of them who took that position when my colleague the member for Rainy River was speaking.

I just wonder if that, as much as anything else, does not signify the kind of arrogance we are now facing with the Liberal government in Ontario. I ask that for once this government listen to the people of Ontario rather than the mall owners and the developers. They were certainly the strongest proponents of this legislation.

Why should deregulation and the marketplace rule? Why should the Liberals in Ontario be following this approach that has become the trademark of the Mulroney Conservative government federally, where it is doing the same thing with deregulation and free trade? It is part and parcel of the same kind of approach. What makes this government any different from them?

The Liberal agenda and direction has been to push this legislation hard at the expense of many more important things that need to be done in this province that have been delayed. It is not just in my fields, safety and health or plant closures, but in the health field and a number of other issues. I

guess it is why the papers are saying they have lost some direction or program.

I ask the question, as I have asked it a number of times, where is the terrific pressure coming from for this kind of legislation that is so divisive and that they are going to live with for a long, long time? Once they get to the local option, if they do not think they are going to have individual areas of this province having one heck of a fight on the local level and then screaming at the government, they are making a mistake in their approach.

## 1700

I guess it is no wonder the honeymoon is finally starting to dissipate a bit for this government in Ontario. I wish the government would think for a minute what it is doing in a broader sense than just this legislation, because the arguments have been made, maybe not effectively enough in this House, that it is going to have to look at increases in day care once people have to work on Sundays. It is going to have to look at some communities where they are talking about cutting out some of the public transportation altogether on Sundays. It is going to have to look at the transportation services. It is going to have to take a look at all kinds of other services.

My colleague the member for Hamilton Mountain (Mr. Charlton) made a very good argument when he said those food centres, or whatever he called them, that are in the big shopping malls, which are not really covered—they are not retail workers in this bill; they are not covered in either provision, the nonprotection provision or the Sunday work provision—are going to have to open. We know they are not going to stay closed if the mall owners force the shops to open in the various shopping centres across this province.

What about all of the other groups that are going to be affected? Apart from the personal feelings that are involved and the desire not to have to work on Sundays, has the government tried to start costing what might be the municipal costs in terms of additional services that will be needed?

I guess some of the members would be inclined to laugh and say, "Hey, you are assuming." If they do not think that is a likely extension of this legislation, then I think they may be sadly mistaken on yet another account. That is not just an additional problem the municipalities will face; it is an additional problem for the taxpayers because if they have to provide these additional services, we will see the

municipalities having to deal with it on a tax basis as well.

I do not know where the government gets the need for this piece of legislation and why it has let it dominate this House at the expense of almost every other major issue that is so important to the people in this province.

I am proud to stand up here and say I do not think the government is right. I think it has made a terrible mistake. I think this bill is wrong. I do not think the people of Ontario want to see the wide-open commercial approach we have in so much of the United States today. I think that is the wrong approach. I think this government is wrong about it and I am very pleased to be able to say that we will vote against it.

I am sorry once again to have to tell some of those people who thought maybe the Liberals would be given a free vote, that the whip is in, that the Premier, the Attorney General (Mr. Scott), the Solicitor General (Mrs. Smith) and this Liberal Party have decided their members are going to have to support this new law and decide that we may have to work on Sundays. I think the government is going to regret it and I am sorry that is the case.

**Mr. Cousens:** There is a great deal one could say about this bill and the impact it is going to have on the province. I believe many members of our party have tried to express that over the last great number of years as the issue has been discussed and debated, not only in committee but here in the Legislature. Now, coming up possibly for the last time, we have the last chance to have a kick at the cat and put our views on the table.

I guess to me it is rather sad that it has come to this point where we are forced into a final debate and this bill will become law very shortly. There are going to be long-term ramifications for the province because of changes that are going to come from the implementation of this bill.

It is unusual in that, here in Ontario, the province has never before allowed freedom of social legislation to be with the local municipality as it will be with Bill 113. When it comes to other social legislation such as consumer protection, education, employment, health care, human rights and public safety, the government does not allow the municipalities to set different standards depending on different local demands. Ontario has uniform standards that apply equally to all and are enforced equally across this province. The same should be done with legislation that governs retail business holidays and a common pause day.

I am very concerned with the way this bill will impact on our families, the way it will impact on the common pause day and negatively impact family life by allowing different social standards that will discriminate against retail workers and their families. Many of these families are led by women who already are in vulnerable situations due to the lack of quality child care, adequate public transportation and recreational facilities for youth, especially on weekends.

Yet notwithstanding these points and so many others that have been tabled, this House is about to make into law an act that I believe is one of the most negative things I have seen. I suppose there have been other bills during my last eight years—

**Mr. Miller:** It is a stronger bill than it was before.

**Mr. Cousens:** It is not the most negative. As my good friend the member for Norfolk is indicating, there have been some that have been worse and they have come from this government as well.

My point here is that this bill has the impact of long-term effects no one really fully knows or understands, because once each municipality starts interpreting its own rights and regulations and setting up its own domino effect, who knows where it is going to end? I listened to the previous speaker, the member for Hamilton East (Mr. Mackenzie). I know how he feels when he touches upon those issues.

It is surprising there have been so many studies on this. The studies have come out almost unanimously in favour of there being a universal pause day here in Ontario. We have had two legislative committees prior to the one that is reporting now, the select committee on retail store hours and the Ontario Progressive Conservative Task Force on Extended Shopping Hours. Both these studies, after much consultation with the communities, with the people in Ontario, came back and said, "No, we really do not need to make these changes."

I wonder where the support is coming from. In the Liberal caucus, a number of MPPs have said very clearly that they are opposed to Sunday shopping. Statements have been made by the member for Kitchener-Wilmot (Mr. Sweeney), the member for Kitchener (Mr. D. R. Cooke) and the member for Waterloo North (Mr. Epp), and others have come out in strong support of maintaining a day of rest.

I am surprised that as many as 56 Liberal MPPs are said to have said this to the Coalition Against Open Sunday Shopping. Certainly, in the report it gave on August 11 to the standing



committee on administration of justice, the coalition indicated that 56 Liberal MPPs had told it they were personally opposed to this legislation.

**Mr. Faubert:** What question was that?

**Mr. Cousens:** Asking them for their position on Sunday shopping.

The net result of this bill is going to be to open it wide all the way and we are seeing these same ones who have spoken out of the other side of their mouths now coming along saying, "Hey, no worry."

**Mr. Black:** You are misleading the public, Don.

**Mr. Cousens:** I know the public is not going to be happy in the future when it starts seeing this province change from what it has been. We have a chance to protect something of our heritage, something of our past, something of our families. Never mind all the different nationalities, religions and cultures that are asking for it; I am saying people have asked that we continue to maintain something special about Sundays.

It is surprising that the justice committee has come along, and having received as many presentations as it did, not just a few—in fact, 522 interest groups made presentations, written and oral, to the committee during its time of hearings. Only 30 groups or so expressed support for Sunday shopping. The vast majority do not support the legislation before this House today. They come from many different fields. They use many different arguments. They use the reasons and the rationale that are really part and parcel of what is the fabric of our province today.

One of the presentations was made by Dr. Bradley Miller, a psychotherapist and family counsellor. He said:

"The common pause day gives parents and children a perceived sanctuary of time in which the pace is reduced and anxiety is lessened, thus creating an environment more conducive to positive interchange. One might say that the pressured realities of the workweek are tempered by the oasis at the week's end. It would be tragic if we, through legislation, would breach the sanctuaries that have taken us so long to enshrine and, through destruction of the common pause day, plummet ourselves back to a less meaningful way of life. Past societies have revolted at such oppression, yet do we invite it? Their melody may seem more subtle, but the processional effect is the same modern serfdom—a giant step backwards."

He says it rather eloquently, and he says in a clear way the need of rest for people for a combination of reasons, for reasons that have to do with their own mental health and their own wellbeing.

When you start looking at the kind of concern that is expressed by people across the province, they make their concerns known from the personal point of view. You hear business people raising their point of view. The Canadian Federation of Independent Business said on August 10:

"Our members were obviously persuaded by the domino argument, which suggests that making such shopping legal in one municipality eventually forces Sunday and holiday shopping to be permitted everywhere. They, of course, would be in the best position to judge whether competitive pressures in a permissive environment would force Sunday openings. All retailers must clearly size up their competition on every competitive aspect, and store hours would be reckoned into the calculation."

The domino effect is probably one of the most persuasive reasons to business people, who know that when one municipality decides to establish its own regulations to open up Sunday shopping, the neighbouring municipalities will almost be forced to do so out of competitive market pressures. It is a very simple reality that this domino effect will start circulating right across one metropolitan area, one urban area, and right through the whole province. That begins then to change this fabric of private time, that day of rest, that pause day that we have traditionally enjoyed, for the large part.

I know there are many, many people who have to work seven days a week and who are working on what we now have as a holiday. To me, it is a hardship for them, and yet there is a necessity for so many services that this continues to be the case.

I listened with care to the member for St. Andrew-St. Patrick (Mr. Kanter). He was saying that some ridings have the tourist areas and they are open already. There is some accommodation that is now possible under the present act, but what we are seeing now through this act is a whole ripple effect that will begin to carry the change right across the province. That is one of the main reasons I oppose it.

You start having large corporations as well making their point just as clearly as do the small, mom-and-pop shops.

Although the Hudson's Bay Co. favours Sunday shopping, it is against the proposed

Liberal legislation. The Hudson's Bay Co. said: "It is our opinion that the proposed legislation—and in conjunction legislation, existing provisions of the Retail Business Holidays Act—has been badly drafted and will produce a discriminatory and unjust law which will be impossible to enforce."

They have the lawyers, the staff and the experience to know just how inept the government is in trying to make everything happen the way it wants to have it happen.

The Canadian Tire store: Who among us has not been there or to some of our small, locally owned associate stores across the province like those of Canadian Tire? They said, "If you want to ensure wide-open Sunday shopping in this province, this is the most effective method to accomplish it, having a lower profile than a provincially administered statute and a more gradual implementation." They support the thesis I made earlier, that once it starts it is going to press onward across the province.

Then where did the Association of Municipalities of Ontario come from?

"The municipal delegates unanimously reject provincial delegation on Sunday shopping to municipal councils. It is very interesting to note that the association has received support from such large urban retail centres as the municipality of Metropolitan Toronto, the cities of Toronto, Mississauga, London, North York, Ottawa, Windsor and Thunder Bay."

Many other communities would join in that desire that we retain Sunday as a day of rest and a day for repose, a day of quiet.

All members of this House have received correspondence. I have letters here from the Archdiocese of Toronto. I am just surprised that the 94 Liberal members have not openly and publicly endorsed the views of some of the correspondence they have had; they have not done so in this House. In this House, they will have an opportunity to vote. Maybe then their consciences will force them to do what is right and what is good for the province. I really respect that. I think that is what has motivated members from our caucus and indeed our forefathers and people who have been in this House before us.

The point made here by the Archdiocese of Toronto, the office of Catholic Family Life, is: "Wide-open Sunday shopping would deprive so very many retail workers, both unionized and without union protection, of their one certain day with their families. Small and even large retailers stand to be pressured by competition into opening on Sundays if their own or nearby

municipalities are open. Their relationships with their family and friends are endangered."

They say much more in their correspondence, but that paragraph represents the core of their concern, their view, their passion for life and for quality life.

**Mr. Wiseman:** What church was that?

**Mr. Cousens:** That is from the Archdiocese of Toronto, and that is signed by the director of the office of Catholic Family Life. I know it has the support of Cardinal Carter and his staff.

I have a letter from a professor at University College in Toronto. He says very clearly: "In North America and in Canada, and in particular in Ontario, we desperately need some sign that commercial activity has not become our institutionalized religion. Allowing retail activity to go on virtually nonstop, would give a priority to commerce that it does not deserve. Indeed, I find shopping every day more of a threat to our culture, our sense of ourselves, than any free trade agreement."

I have letters from others. I have one from an engineer, a friend of mine in the riding. He wrote:

"To change the present laws, as I see it, will only further corrode the fact that Sunday, to many people, is a day of worship, but more than that, is a day on which families get together. We have had enough corrosion of the family unit without adding to it by supporting such a negative policy as open Sundays."

The council of the Christian Reformed Church has come out with a very strong statement as well: "The provincial government must not abandon its responsibility to maintain a common pause day for all Ontarians."

I have a statement here from the Ontario Automobile Dealers Association. They "wish to join with the majority of Ontarians, our colleagues in the retail business and workers in the province, in voicing strong opposition to the proposed legislation of Bill 113. We believe that if the option clause is passed into law, then it will only be a matter of time before Ontario will have wide-open Sunday shopping and that the common day of rest that many Ontarians have come to expect and enjoy will be eroded and there will be a negative impact upon the quality of family life in this province."

Why have the other members of this House not listened and heard? Why have they not understood the passion that these people have for life and quality of life for their families, for their beings, for their existence? Why should there be



94 members in this House who are close-minded to it?

I have to say there is no pressure for this bill. There is no pressure from the municipalities. The Association of Municipalities of Ontario has said it does not want it. There is no pressure from the courts. The courts came along and they said to Paul Magder—

1720

Interjections.

**The Deputy Speaker:** Order, please. May I remind the members once again, as memory is collectively failing again, of standing order 24(b). The member for Markham may proceed.

**Mr. Cousens:** The point I am making is that there is no pressure for this bill, not from the municipalities, not from the courts. The courts in fact, during the Magder decision, came back and emphasized the benefits of a common pause day. There is no pressure from the people of Ontario. In my own riding, we have completed a poll. Over 65 per cent of the respondents came out strongly supporting the position I am expressing now in this House.

**Mr. Faubert:** Did you take it in Unionville?

**Mr. Cousens:** I took this poll right across the riding. I will tell the honourable member for Scarborough-Ellesmere that I asked four questions and in all questions, they came up with a strong statement.

Interjections.

**The Deputy Speaker:** Order.

**Mr. Cousens:** The questions are rather clear, and I am being asked by my friends, in the party that is in power this week to specify.

First question: "Do you think that the province should transfer responsibility to municipalities for the regulation of Sunday shopping?" The response: 31 per cent said yes, 65 per cent said no and four per cent had no opinion.

Second question: "Are you in favour of more open and available Sunday shopping?" The response: 36 per cent said yes, 61 per cent said no and three per cent had no opinion.

Third question: "Would you or a member of your family be willing to work on Sunday?" The response: 33 per cent said yes, 64 per cent said no and three per cent had no opinion.

Fourth question: "Do you presently have a pause day each week?" The response: 84 per cent said yes.

I am also in possession of a letter that came from Reverend Stanley South and a number of Presbyterian ministers from Nobleton who were commenting on a poll that was done by our friend

Charles Beer of York North. Charles is not in the House now.

**The Deputy Speaker:** I remind the member that we have a tradition not to mention members' names.

**Mr. Cousens:** The letter says: "The vast majority of people in Ontario are as opposed to wide-open Sunday shopping as are the voters of York North. Seventy-three per cent of those responding to your own survey on this issue said they did not want it."

Where is the member for York North today in representing his constituency when in fact 73 per cent of the people who responded to his survey were opposed to it? I just have to say I am concerned.

Where is the pressure? The pressure is not coming from the municipality. It is not coming from the courts. It is not coming from the people of Ontario. It is not coming from the retailers. It is not coming from the retail employees. It is coming from the Premier (Mr. Peterson), the Solicitor General (Mrs. Smith), and a few other people who have changed their positions.

I am delighted that the Solicitor General is in the House at this time. She was part of this committee, the select committee on retail store hours, which issued its second report in 1987. Terry O'Connor, MPP, was the chairman and one of the members of that committee was the member for London South (Mrs. Smith) who is presently the Solicitor General. I am sure she has heard this said before many, many times in the House.

It says in this report on page 10:

"In conclusion, the committee heard and reviewed these various viewpoints on the Sunday shopping issue, but strongly and unanimously concluded that the principle of a common pause day in support of family values was worthy of continued support."

On that note, I am saying they have changed their minds. They have reversed their view. They had plenty of chances.

Interjections.

**The Deputy Speaker:** Order.

**Mr. Cousens:** The honourable minister is just squeaking away. The fact of the matter is they have reversed their point of view on this one.

It touches on family values. It touches on everything we stand for. I have to say that I oppose it now. I opposed it when they brought it out in the first place and I will oppose it after they pass it. I will continue to fight it as long as I am a member of this Legislature because it is regres-

sive, backward legislation and does nothing to make for a better life in Ontario.

I am ashamed that this Legislature is going to pass it. I am sorry there is nothing I can do to stop it. If I could, I would.

**The Deputy Speaker:** Do any other members wish to participate in the debate?

**Ms. Hart:** I am one of the members of the standing committee on administration of justice who has lived with bills 113 and 114 week in and week out since late July of last year. That gives all of us—me included, I hope—some small expertise on the subject.

At the outset, I would like to tell the House how I felt at the beginning of the process. Frankly, I was not committed one way or the other. Personally, I had no burning desire to shop on Sunday or indeed at any time. York East is one of those urban ridings where opinion was pretty evenly divided one way or the other, and that allowed me to be fairly open-minded at the beginning of the process.

In the process, that approach evolved to becoming very committed to these bills, 113 and 114. What was that process? Why did that happen? We had two months of hearings, morning, noon and night. We went to 14 communities across the province. We heard from people of all backgrounds and descriptions.

I and the other members of the committee did a lot of extracurricular reading on the experience in other provinces and other states. Then we had 23 days of clause-by-clause, and this for Bill 113, which only has eight sections. There was endless debate, with amendments proposed from all sides and, very importantly, nine amendments were accepted to Bill 113.

Like many other members of the committee, I am confident, I did a little informal field work. I made some Sunday visits to places such as the Byward Market in Ottawa, Spadina in Toronto, Queen's Quay, some of the large discount drugstores and also bookstores, all of which were open on Sunday.

I also took into account the views of my own community. It was a matter of great interest to me that no residents of that community appeared before the justice committee. Two businesses did, but the managers-owners of those businesses, Home Hardware Stores and Shoppers Drug Mart, did not live in East York.

I did hear, like most members, by telephone and by mail both for and against this legislation. I would like to make several observations about what I heard. Quite a number of those against the proposed legislation contacted me more than

once, and a disproportionate number of those people, since I was keeping track, came from outside my riding of York East.

The municipality of East York was very clear that if the decision were up to it, the councillors would not vote to open retail stores on Sunday. What impressed me most when I had an opportunity to talk to people was that they really knew very little about the actual bills, 113 and 114. There was very little appreciation, for example, that 113 mandates Sunday closings, with a few exceptions.

There was also little appreciation that the status quo was just not good enough. We saw in the press, "Why not just leave things the way they are?", but we heard again and again, particularly from retailers, that the current legislation just was not working.

We heard that there was a need to close down violators and now, with this new legislation, we can levy substantial fines against violators. We can bring injunctions to close down violators. We can also use their advertisements in the newspapers as evidence, which is something we could not do before and something that gave the prosecutors a lot of difficulty in obtaining convictions under the current law.

We also heard that there was a great need to clarify holidays such as Boxing Day. Few would argue either this year or last year that there was much confusion surrounding the holiday we call Boxing Day.

### 1730

After some discussions, callers tended to agree that Bill 113 was a major stride forward in enforcement, but the biggest source of their understanding, by far, was the local option. We already have the local option. The municipalities set hours of opening six days a week. They also permit Sunday tourist exemptions.

Many, many deputies thought that was just fine. In fact, I am reminded of one mayor whom we heard in Orillia. Her whole municipality was open on Sunday. She thought that was working. The municipality was able to make the decision, and she wanted no changes. That is local option.

More than 100 municipalities right now are open, in whole or in part, in just that way. On Sunday, you can buy groceries and flowers at the Byward Market, which a deputation agreed with me was a big favourite among the locals, not the tourists. You can buy a ski jacket at Harbourfront. You can buy gourmet groceries on Bayview. You can buy any type of book. You can buy hardware at a flea market in Durham. Many, many products can be bought on Sunday.



In approving these exemptions, the municipalities have recognized shopping as a recreational activity that is not just for tourists but also for local residents. Let's be straightforward about it. Why demean the municipalities by forcing them to hide behind the tourist rubric? Why not allow them to articulate their own policies after consulting their own residents? What is wrong with a little sunshine on this issue?

The committee process was of great value. We heard the fears and the nostalgia for another time, but it is not this time. Many communities are open right now. It reflects the differences, community to community, and I believe strongly that those differences are a good thing. Bills 113 and 114 applaud and facilitate those differences. The committee listened, and even the member for London North (Mrs. Cunningham), who was so forceful in putting forth her viewpoint, conceded that all the members of the committee were listening to the deputants.

By making amendments, accepting amendments and voting on amendments, the committee responded to what it heard from the public before it. It responded by providing a notice process for the municipalities. It listened to the communities that said the drugstore exemption was not good enough for them, because the only drugstore that could be open was larger than 5,000 square feet. It listened to the fact of the need for healthy fines, the need to take into account gross sales in setting those fines. It was a process which responded and it was an effective process.

I am a member of a church which worships on Sunday morning. I value that time and I do my very best to keep it free. Shopping is not a choice that I would personally make. For others, particularly those who worship on Saturday, Sunday is the only time when working people can do all the errands, including shopping, that keep a family functioning smoothly.

Ontario society has changed, and different members of our society have different needs. That is not to say that we value family life any less than our forbears. Because of the constant flux around us, I dare say we may even value family life more. We just have different ways of spending our family time. My own grandfather would have been scandalized to see me playing cards with my daughters on a Sunday afternoon, or going to a ball game or to a concert, yet each of those activities helps in forging family bonds.

I am quite prepared to concede that each community may take a slightly different view as to the needs of its citizens on Sunday. I strongly believe that to give communities the choice is the

best feature of these bills. Why should Toronto decide for London or North Bay? I can think of no good reason. Right now, each community decides on openings through the week. Why should they suddenly be considered incompetent to decide openings on the seventh day? There is no good reason. These bills should be reported.

**Mr. Philip:** These bills should not be reported. I was speaking to a reporter the other day who had covered a number of legislatures, and indeed the House of Commons. He said, "What do you think is essentially wrong that this government seems to be falling apart at this point in time?" We had been talking about it in the press gallery. I said to him—

Interjections.

**Mr. Philip:** I know that the Liberal members do not want to allow me to speak, those people who are refusing over and over again to stand and tell their constituents where they really stand on this bill, but the rules of the House are that I have a right to speak without interruption.

**Mr. Black:** Get to it.

**The Deputy Speaker:** Order.

**Mr. Philip:** The fact is that this government, in this legislation and in so many other pieces of legislation that it has introduced recently, simply has not consulted. That is exactly what is happening in this bill. There were no impact studies done by the government before it announced the legislation.

One would have thought that it would have at least consulted other governments that had introduced similar legislation, but no, it did not look at the British Columbia experience. On the contrary, the minister said that the British Columbia experience, that the domino theory, was fiction.

We said, "If it is fiction, allow a clerk—you invite a clerk—of any municipality in British Columbia to come into this committee and give testimony as to what happened in British Columbia." The Liberals on that committee said no, because they did not want to find out the truth about British Columbia.

The fact is that right at this present time, 55 municipalities, in fact, the majority of British Columbia has wide-open Sunday shopping.

One would have thought that the government would have at least consulted with its counterpart Liberal governments in New Brunswick and Nova Scotia, but it did not. In fact, what we see there is that this kind of legislation, identical legislation, is so unworkable that those governments have rescinded that legislation.

One would have thought that in the case of the accompanying bill, Bill 114, the government—even the previous Conservative government did this—would consult with management and with labour unions before introducing legislation. In this case, they did not consult.

One would have thought that the Solicitor General (Mrs. Smith), in introducing a bill dealing with a matter of such great concern to municipalities, would have at least consulted with the municipalities. She said she did, and then we heard evidence from the municipalities that they offered to work with her and she refused their help.

In fact, they had asked before this bill was introduced for her to list all those municipalities where there was a problem with the tourist exemption and she has not yet provided them with that information.

**1740**

The Solicitor General said that this bill will not lead to wide-open Sunday shopping. She ignores the British Columbia experience. She ignores the anarchy, the problems created in the maritime provinces. Indeed, we have the latest statement by the archdiocese of the city of Toronto, and it reads as follows:

"The government has stated that wide-open Sunday shopping would not follow passage of Bills 113 and 114. We respectfully disagree, given the experience of workers and retailers in other jurisdictions where local option has resulted in widespread Sunday retailing."

The member for York East (Ms. Hart) and the member for St. Andrew-St. Patrick (Mr. Kanter) can argue all they want that somehow this will not lead to wide-open Sunday shopping. The fact is that all the research shows that it will, that it has in other jurisdictions and that no less a body than the archdiocese of Toronto—that one would assume is fairly well researched and capable of doing that kind of research in an objective way—has concluded the same thing that we have in looking at what has happened in the other provinces such as British Columbia.

We heard from a number of groups. We heard from small business that was opposed to this bill. We heard from women's groups who were opposed to it. We heard from labour groups that were opposed to it. We heard from consumer groups that argued that it would drive up the price of food and the price of cars. We heard from the automobile dealers who were opposed to this bill. We heard from various church groups and community groups that were opposed to this bill. We heard from business people such as Canadian

Tire stores and other operators of businesses who were opposed to this bill. We heard from the grocery store operators who were opposed to this bill.

The reason that the official opposition, the New Democratic Party, is opposed to the reporting of this bill is that the Liberals on the committee have clearly not listened to the public in the hearings.

The member for St. Andrew-St. Patrick states that he did listen and that he cites nine amendments, one of which was an amendment proposed by myself. But what he fails to mention is that all of the major amendments requested by the various groups that appeared before the committee were in fact rejected by the Liberals on the committee. The major amendments, the substantial great amendments were, in fact, opposed by the Liberals. They were against minimum fines. They were against exempting automobile dealers even though they are exempted in the United States and even though the automobile dealers said that this would lead to an increase in prices.

There were 402 presentations against the municipal options as compared to only 26 in favour of it, yet this government has failed to listen to the public that appeared before the committee.

One of the columnists whom I read without fail once a week is Tom Harpur. Sometimes I agree with him. Sometimes I am in less agreement with him. Last Sunday in one of his articles he had an interesting story. He said:

"Albert Einstein once delivered a lecture at Harvard. When the applause at the end died down, a bright young woman who was doing post-graduate studies in physics rose to ask the question. 'Dr. Einstein,' she said, 'I heard you speak at Yale some months ago—

**Mr. Speaker:** I am sorry to interrupt the member. Order. Would the member take his seat?

All members will recall that on January 30, this House passed an order which stated that the Speaker shall put questions at 5:45. The question that has been discussed is a motion by Mr. Chiarelli, the motion of the standing committee on administration of justice that the report be adopted; so I will put the motion.

The House divided on Mr. Chiarelli's motion, which was agreed to on the following vote:

### Ayes

Adams, Beer, Black, Brown, Callahan, Campbell, Caplan, Carrothers, Chiarelli,



Cleary, Collins, Conway, Cordiano, Curling, Dietsch, Elliot, Elston, Epp, Faubert, Fawcett, Ferraro, Fleet, Fontaine, Furlong, Grandmaître, Haggerty, Hart, Henderson, Hošek, Kanter, Kerrio, Kozyra, LeBourdais, Lipsett, Lupusella; MacDonald, Mahoney, Mancini, McClelland, McGuigan, McGuinty, Miller, Morin, Neumann, Nicholas, Nixon, J. B., Oddie Munro, Offer, Owen, Patten, Pelissero, Peterson, Phillips, G., Polsinelli, Poole, Ramsay, Ray, M. C., Riddell, Roberts, Ruprecht, Smith, D. W., Smith, E. J., Sola, Sorbara, South, Sullivan, Sweeney, Tatham, Velshi, Ward, Wilson, Wong.

### Nays

Allen, Brandt, Breagh, Bryden, Charlton, Cooke, D. S., Cousens, Cureatz, Farnan, Grier, Harris, Jackson, Johnson, J. M., Mackenzie, McCague, Philip, E., Pollock, Runciman, Sterling, Wiseman.

Ayes 72; nays 20.

**Mr. Speaker:** According to the standing order, this will go to the committee of the whole House.

The House adjourned at 6:05 p.m.

**ALPHABETICAL LIST OF MEMBERS\***

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reyecraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

## CONTENTS

**Tuesday, January 31, 1989**

### Members' statements

Human rights awards, Mr. Farnan .....	7739
Health services, Mr. Pollock .....	7739
Jean Augustine, Mr. Faubert .....	7739
Funding of social service agencies, Mr. Allen .....	7740
Overcrowding in schools, Mr. Cousens .....	7740
Health services, Mr. McGuigan .....	7740
TVOntario, Mr. Farnan .....	7741

### Statements by the ministry/Déclarations ministérielles

Rental housing protection, Hon. Ms. Hošek .....	7741
Protection du logement locatif, l'hon. Mme Hošek .....	7741
Access to information, Hon. Mr. Elston .....	7742

### Responses

Rental housing protection, Mr. Breaugh .....	7743
Access to information, Mr. B. Rae .....	7744
Rental housing protection, Mr. Harris .....	7744
Access to information, Mr. Sterling .....	7745

### Oral questions

Health care complaints, Mr. B. Rae, Hon. Mrs. Caplan .....	7745
Property speculation, Mr. B. Rae, Hon. Ms. Hošek .....	7746
Tax increases, Mr. Brandt, Hon. Mr. Peterson .....	7747
Health services, Mr. Brandt, Hon. Mrs. Caplan .....	7748
Hospital services, Mr. D. S. Cooke, Hon. Mrs. Caplan .....	7750
1987 constitutional accord, Mr. Harris, Hon. Mr. Peterson .....	7751
Social assistance, Mr. Daigeler, Hon. Mr. Sweeney .....	7752
Social assistance overpayments, Mr. Allen, Hon. Mr. Sweeney .....	7753
Drug abuse, Mr. Runciman, Hon. Mrs. Smith .....	7754
Winter ice conditions, Mr. Owen, Hon. Mrs. Smith .....	7754
Access to children in custody, Mr. Hampton, Hon. Mr. Scott .....	7755
School accommodation, Mr. Jackson, Hon. Mr. Ward .....	7756

### Petitions

Junior kindergarten, Mr. Cureatz, tabled .....	7756
Teachers' superannuation, Mr. Owen, tabled .....	7756

### Report by committee

Standing committee on administration of justice, Mr. Callahan, tabled .....	7756
---	------

### First readings

Rental Housing Protection Act, Bill 211, Hon. Ms. Hošek, agreed to .....	7757
John Zivanovic Holdings Limited Act, Bill Pr76, Mr. Offer, agreed to .....	7757
Sudbury Hydro-Electric Commission Act, Bill Pr60, Mr. Campbell, agreed to .....	7757



---

**Report by committee**

<b>Standing committee on administration of justice, Mr. Callahan, Mr. Hampton, Mr. J. M. Johnson, Mr. Kanter, Mr. Mackenzie, Mr. Cousens, Ms. Hart, Mr. Philip, agreed to.</b>	7757
--	------

**Other business**

<b>Supplementary estimates, Hon. Mr. Elston, Mr. Speaker</b> .....	7739
<b>Adjournment</b> .....	7783
<b>Alphabetical list of members</b> .....	7784







# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
Wednesday, February 1, 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

## **CONTENTS**

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario. Lists of members of the executive council and parliamentary assistants also appear at the back, along with the memberships of committees.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, February 1, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### CANADIAN MEDICAL LABORATORIES

**Mr. Mackenzie:** Some 66 employees of the Canadian Medical Laboratories in Hamilton and Simcoe were locked out illegally on June 3, 1988. The owners, Dr. John Mull and K. Starr, have treated these dedicated and highly skilled employees with nothing but contempt.

This lockout is clearly a continuation of the first-contract fight these employees had to go through just a couple of years ago, a long dispute where the owners were clearly trying to get rid of the workers' union and where the owners even refused an Inflation Restraint Board order to pay and had to be taken to court. Having failed the first time to get rid of the employees' legal bargaining agent, they are trying to make sure the second time around.

The ministry should impose a contract, and if changes to first-contract legislation are needed to cover the loophole that is obviously being used here, it should bring them in.

As well, it is health care funding from this government that is paying for the strike-breaking activities and the testing that is still going on in other labs owned by this company. Therefore, if the government had any concern at all for these women employees, any concern that justice can be theirs, it would cut off these contracts and payments to this despicable employer at its Mississauga, Toronto and other operations.

Does this government condone bad employers and only give lipservice to female workers, or is it willing to do what is right on behalf of the women employees so competent in these two lab operations?

### YOUNG OFFENDER

**Mr. Jackson:** I read with interest this morning's paper, which indicates the position of the Attorney General (Mr. Scott) that the Trudeau government's Young Offenders Act should be amended to allow judges to impose longer sentences on youths who commit serious crimes.

The imminent release of an 18-year-old triple murderer into the Hamilton-Halton area has created understandable apprehension in the community I represent. Suggesting that the real threat which this criminal poses to my community would be averted by amendments to the Young Offenders Act is like suggesting that toothpaste could be put back in the tube by designing a better tube.

This youth was tried, convicted and will be released under the current law, and even if amendments were made to the Young Offenders Act, the principle of double jeopardy prevents the Irwin killer from being tried again for the same crime. Therefore, the Liberal's well-rehearsed refrain of "blame the feds" will not wash in this case and will not help the Hamilton-Halton area prepare for the presence of this individual in our midst.

Section 44.1(1)(h) of the Young Offenders Act specifically allows the provincial cabinet to release information about this triple murderer to anyone it chooses—the police, school principals, employers and any other category of persons the government designates by order in council.

The case surrounding the killing of the Irwin family is a clear example of how victims' rights legislation is needed in this province. When the province dumps a triple murderer, who the prosecuting and crown attorneys agreed should have been found guilty by reason of insanity, into a community, and when this murderer has received not one dose of psychiatric therapy while incarcerated, it is plain to me that the police in my community have a right to know and the victims' family has a right to know.

### BLACK HISTORY MONTH

**Miss Roberts:** I rise today to acknowledge that the month of February is designated Black History Month all across North America. Here in Ontario, it is time to recognize the contributions that have been made by the members of our black community in building this province.

Most of us are aware of the underground railroad that brought many refugees from slavery in the United States into the freedom of Canada. Amherstburg was considered the principal Canadian terminus for the underground railroad, but

there were significant communities in London, Dawn, Wilberforce, Niagara Falls and Niagara-on-the-Lake. One of the most famous refugees to settle in Ontario was Josiah Henson. He founded a self-sufficient black community at Dawn in the 1840s. Mary Ann Shadd became the first black newspaperwoman in the 1850s, publishing the *Provincial Freeman*.

The members of the black community have always been active in all facets of society in Ontario: in journalism, law, the military and politics. I am pleased today to acknowledge the first black man to be elected to the Legislature of Ontario, in 1963. Len Braithwaite is in the gallery today, and seated with Mr. Braithwaite is the mentor of the black community, Harry Gairy.

I urge all members, and indeed all people in Ontario, to participate in Black History Month, to take part in the activities that have been planned. The history of our black community is a long and distinguished one. It is one of which we all can be proud.

**Mr. Speaker:** The member's time has expired.

**Miss Roberts:** I would like all members to acknowledge Mr. Braithwaite and also Harry Gairy.

#### DEVELOPMENTALLY HANDICAPPED

**Mr. Allen:** Families with mentally handicapped children at home face a cruel dilemma. The government is slowly closing down institutional care, so it is discouraging placing children in institutions. At the same time, it is flat-lining its support for programs like special services at home, which is designed to aid families with mentally and physically disabled children at home.

Ministry of Community and Social Services offices across the province have been ordered to get along on current budgets, plus inflation, for special services at home, even though the logic of their policies is that such programs should be expanding. Families are having services cut by 10 per cent to 25 per cent, and parents who get \$27 a day for caring for their youngsters at home are threatening to put them into institutions at anywhere from \$120 to \$250 a day. Summer support is being wiped out for some, so there is no respite from continual care.

Families with developmentally handicapped children over the age of 21 are dealt an equally cruel blow by deinstitutionalization. School- and community-based programs fully available up to that age suddenly become scarce for the over-21s. Deinstitutionalization has backed up wait-

ing lists, and graduation from a school like Vincent Massey in Hamilton becomes a ticket to inactivity, depression and lost skills, waiting for group homes and vocational services.

If the government wants deinstitutionalization to work in our communities, in Hamilton, for example, why has it cut the local budget for developmentally handicapped children and adults from its regional offices from \$1.5 million to \$1.1 million?

**Mr. Speaker:** The member's time has expired.

#### WETLANDS MANAGEMENT

**Mr. McCague:** I would like to bring to the attention of the House yet another instance where the government has lost credibility. Over three months ago, the Minister of Natural Resources (Mr. Kerrio) said that he and the Minister of Municipal Affairs (Mr. Eakins) would be releasing a policy statement on wetlands management. We were told it would be ready in four to six weeks and that the holdup was printing, translation and the preparation of a companion document.

We understand the policy statement has been ready for at least two weeks. The implementation guidelines are also ready. After making such a fuss at the fall wetlands conference about this statement, it seems almost incredible that the minister would not take yet another opportunity to announce its final release in this House. It appears he just wanted to get in the good books of the interested parties while the conference was on. Now that the issue has settled down, the minister has no time to do his job and communicate with these groups and let them know the statement is ready for public comment.

This is yet another example of the minister's and this government's crisis management mentality. When an issue is hot, there is an announcement. When no one is breaking down the doors, it releases important reports and documents quietly. The minister is quickly losing credibility on all fronts.

#### PASSENGER TRAINS

**Mr. Tatham:** Mitchell Gordon, writing about sick cities and traffic jams, tells us, "Like the legendary Lorelei who lured Rhine fishermen to rocky self-destruction, the automobile is threatening commuting experiences much worse than the walk to the station, the waiting for trains and the crowded ride into town."

Compared to rail, Transport 2000 tells us highways use 2.7 times as much land; passenger



cars use 3.5 times as much energy; freight trucks use 8.7 times as much energy; motor vehicles cause nine times as much pollution, motor vehicles have 24 times as many accidents. Canadians want passenger trains that are as reliable and comfortable as the trains now in use in other major countries of the world.

Far from being obsolete, passenger train technology has progressed light years around the world. At the forefront of this development, the Train à grande vitesse whisks passengers between major French cities at speeds approaching 300 kilometres an hour.

In many other countries new developments are producing trains that are faster, quieter, and cheaper to operate. These trains are serving busy intercity corridors on long-distance continental routes. But the song of the siren beckons. We love the Lorelei lure.

1340

#### RETAIL STORE HOURS

**Mr. Farnan:** Recently the Premier (Mr. Peterson) announced in the House that on the issue of Sunday shopping we would have a free vote for Liberal backbenchers. There is considerable confusion about this. The Liberal members have received a package which tells them what to say. They have received a package which says what speech they are to give. They received a package which says what letter they are to write with regard to Sunday shopping.

The Premier and the Solicitor General (Mrs. Smith) have said the issue is non-negotiable. We simply cannot believe the Premier on this issue, and the events of this week will clearly demonstrate that Liberal backbenchers will vote as they have been directed.

#### VISITOR

**Mr. Speaker:** Just before I call the next order of business, I would ask all members of the assembly to recognize in the Speaker's gallery a Senator from the Republic of Italy, Riccardo Margheriti.

Please join me in welcoming the senator.

#### ORAL QUESTIONS

#### RETAIL STORE HOURS

**Mr. B. Rae:** I have a question for the Premier. He will have received by now, I am sure, a letter dated January 30 written by Gerry Vandezande, who is the public affairs director for Citizens for Public Justice, and he is representing in this letter the policy development committee of the Ontario Working Group on Sunday Shopping Policy.

The Premier will have received this letter and he will know that there have been discussions between Mr. Vandezande and his group, the broad coalition that he has been representing and several members of the Premier's cabinet.

I wonder if the Premier can explain why the answer to Mr. Vandezande's very reasoned amendments to the government's Sunday shopping legislation has been a pure and simple "no."

**Hon. Mr. Peterson:** I have great faith in this Legislature and in the committees of this Legislature. They have had an opportunity to come forward to this Legislature, to present their views. There has been wide public discussion. Surely my honourable friend opposite is not telling me that I should be making secret deals behind the scenes rather than discussing it right here in the centre of democracy in this province.

**Mr. B. Rae:** I was not asking for anything of the kind, and the Premier knows it. What I was asking was: Why have his Liberal members, who are not acting without some sense of what the consensus within the Liberal Party is, when they are on committees—we can take notice of the fact that his members, as our members do, reflect the general positions that are set out by caucuses and party policy.

Mr. Vandezande has made some very specific recommendations, several of which were moved by my colleagues in the legislative committee, all of which were rejected by the Liberal majority on that committee, in lockstep with this government's position.

What I want to ask the Premier again is: Why has the position of his party, his members on the committee—the cabinet members who strung Mr. Vandezande along, along with all the other members of his committee for several months in the vain hope that they would reach some sort of a compromise—why has the answer to every single compromise position forwarded to the Premier's party, his majority caucus, been a pure and simple "no?" Why is there not a willingness to sit down and look at these reasoned amendments?

**Hon. Mr. Peterson:** My honourable friend is putting forward some strange views of democracy, it seems to me.

The government put forward its position. It had endless debate; some 60 or 70 days. It went into a committee of this Legislature. All groups had a chance to give their points of view. There were, I believe, nine amendments through that process. The committee had the opportunity to discuss the pros and cons of every single amendment and then came up with its own views on the situation.

I recognize that there are lots of different views on a subject like this one, but I think the process has been thoroughly democratic and debated from all points of view.

I say to the member that they have met with the ministers, they have met with staff; there have been endless meetings. We are an open government; we are happy to meet with anyone who wants to discuss these issues. That being said, somebody has to make decisions around here and we are prepared to do that.

**Mr. B. Rae:** If the Premier is not prepared to discuss the question in general in a way that shows any kind of flexibility on his part—and that I think is now perfectly obvious; this government has made its decision and it is going to ram through whatever majority decision has been made regardless of the views of the people of this province—I would like to ask him: Can he explain, with respect to one particular issue, why it is that the Liberal Party insists that for the next year any store calling itself a drugstore, even if only a very tiny proportion of that store's business is selling prescribed drugs, is going to be allowed to remain open regardless of what any municipality wants, regardless of the effect it is going to have on competition, on smaller pharmacies, on smaller stores and on convenience stores?

I wonder if he can tell us why he is giving this one-year freebie to these huge warehouse stores that have nothing to do with the detail of selling prescribed drugs—

**Mr. Speaker:** Order. The question has been asked twice.

**Hon. Mr. Peterson:** I must say I find my honourable friend's criticism somewhat strange: Half the time he will stand up and heap abuse on the government for not making decisions; when we make decisions, he stands up and disagrees with them. He cannot have it both ways.

**Mr. B. Rae:** That's because you make the wrong decisions.

**Hon. Mr. Peterson:** We make the wrong decisions. I do not agree with that at all.

There is a lot of discussion about the question of drugstores. As I understand it, the member for London North (Mrs. Cunningham) wanted to open it up to 10,000-foot drugstores. We also know that the rules as they existed, the current legislation, was very confusing and we had a lot of stores coming in under the name of being a drugstore which sold a wide variety of other merchandise from hammers to lawn mowers.

We also recognize that this law takes some time for people to adjust to, hence the new definition of drugstores. There are regulations in that act to define what they are and it gives everyone one year to adapt to those rules. Then, if there are any violations, obviously there are tough penalties in this bill which were not there before.

We have a reasonable transition period. We have a clear definition and penalties there for people who violate it. Then it goes to the municipalities; and if they like that, that is just fine, they do not have to do anything.

We are not opening up, the way many people think is going to happen. We have a clear provincial framework that allows a municipality like Sault Ste. Marie to have a different view should it so choose. Surely that is not unreasonable.

I tell the member that I have watched this debate for the last year and a half. We have watched it go on. I have never seen a debate with more misinformation spread about by people, more irrational fears. This thing goes on in other provinces. They are not Godless provinces. It works extremely well, and I think—

**Mr. Speaker:** Thank you. Order. New question.

**Mr. B. Rae:** I will pass on to Archbishop Bothwell and to Cardinal Carter the Premier's views that they are irrational and misinformed. I am sure they will be delighted to hear that.

**Mr. Speaker:** To which minister?

**Hon. Mr. Conway:** I am sure that would lead to conversation on a wide range of issues with you and the cardinal. I will sell tickets to that.

**Mr. B. Rae:** I have had several meetings with the cardinal and they have been extremely friendly ones.

**Mr. Speaker:** Question.

1350

## NURSING SERVICES

**Mr. B. Rae:** I have a question for the Minister of Health. It is my understanding there was a meeting yesterday that was attended by the Deputy Minister of Health, the Deputy Minister of Labour, the Minister of Labour (Mr. Sorbara), representatives of the Ontario Hospital Association and representatives of the Ontario Nurses' Association, at which time the Ontario Hospital Association stated it was uninterested and not prepared in any way, shape or form to reopen negotiations with the nurses with respect to their collective agreement.



Can the minister confirm that such a meeting was held and can she tell us what the role of her ministry was in that meeting?

**Hon. Mrs. Caplan:** In fact, a meeting was held. I was present at that meeting. I would say to the Leader of the Opposition that the Ontario Hospital Association and the Ontario Nurses' Association in a very positive environment, with the facilitation of the ministry and myself, agreed to continue moving in private on an ongoing basis to seek solutions to what they acknowledge are very, very difficult and challenging issues affecting the nurses in this province.

**Mr. B. Rae:** I wonder if the minister can tell us her position with regard to the existence or nonexistence of a nursing shortage. Was the view expressed by the government at the meeting yesterday that there is not in fact an objective nursing shortage, or is it the view of the government that there is a nursing shortage and that something needs to be done to address that shortage before two years, which is when, as the minister well knows, the collective agreement as it now stands is due to expire?

**Hon. Mrs. Caplan:** The one thing that was acknowledged by all parties at the meeting yesterday was the importance of and respect for the collective bargaining process, and there was an acknowledgement that this was the first collective agreement collectively agreed to by the negotiating parties.

There was also discussion and acknowledgement that the vacancy rate in nursing varies across the province from no problem in some communities to one to three per cent in others. In downtown Toronto, which is of great concern, we know there is a vacancy rate of some seven per cent, particularly in the area of critical care nursing. Those are being addressed at the present time in a number of forums. I believe that with the graduation of some 68 additional nurses from a critical care training course at Ryerson Polytechnical Institute, we will see the situation in downtown Toronto significantly improve.

**Mr. B. Rae:** I want the minister to answer these two very direct questions. I have asked them now by way of my first two questions. I want to ask her to address them very directly.

First of all, did the OHA say that it was prepared to reopen the collective agreement or that it was not prepared to reopen the collective agreement? It is my understanding such a position was taken by the OHA. I want the minister to say whether or not that is true. I want the minister also to confirm to this House that government representatives at that meeting ex-

pressed the view very clearly to the parties that in the government's judgement, there was not a nursing shortage, so defined, throughout Ontario to justify the reopening of the collective agreement. Can the minister confirm those two questions?

**Hon. Mrs. Caplan:** As often happens in this House, the facts the Leader of the Opposition puts forward in his question are inaccurate, not factual and sometimes of great concern because they create a perception that is not reality. The agreement at that meeting, and I say to him that the Minister of Labour was present as well, was that the parties, the Ontario Hospital Association and the nurses' association, preferred to conduct their discussions, with the facilitation of government, in confidence.

#### FUNDING FOR POLICE WORK

**Mr. Brandt:** My question is for the Solicitor General. I would like to raise some matters with respect to recent headlines that have been appearing in connection with crime problems in Toronto and throughout other parts of Ontario. I would like to have the minister recall that on October 1, the *Globe and Mail* in a headline said, "Cocaine Offences Raise Crime Rate." On October 22, 1988, the *Toronto Star* reported that violent crimes are up 92 per cent in five years, a rather startling figure. Yesterday's *Toronto Star* indicated "A Man Was Knifed as He Leaves Lecture at University," and today's *Toronto Sun* had a headline, "Sniper Blasts North York."

I would like to suggest to the minister that there is an increasing number of people who are becoming concerned about safety on our streets, particularly in the Metropolitan Toronto area. In light of those headlines, which I do not believe are sensationalistic—those headlines, when they relate to specific increases in violent crimes, are very realistic—what does her ministry intend to do to combat this growing trend in the incidence of crimes?

**Hon. Mrs. Smith:** I would like to remind the member for Sarnia that we are regarded very highly around the world for our very excellent police forces in Metropolitan Toronto and all of Ontario. I have every confidence in them in their work in this city. However, we recognize the city is growing, as do they.

I also have been reading the papers and discussing these matters with them. I note with interest the article in today's paper about the Peel Regional Police Force having in special consultants from people in the United States to advise them on the kinds of problems they have run into

in larger cities and the way they have dealt with them. But in the same article, they emphasized that the real need was still to turn back the clock from the days when police used to be always in cars and to get them out knowing the neighbourhood, working with the neighbourhood. Crime prevention is everybody's business.

**Mr. Brandt:** I do not want for one moment to leave the minister with the impression I was in any way suggesting that our men and ladies in uniform are anything less than effective in doing the job they have been given the responsibility to do. But I would like to share with the minister a comment made by a police officer last night, a 13-year veteran of the force in North York, who indicated with respect to a particular investigation he was involved in that "there is enough crack in these buildings to build a fourth tower," speaking about the drug traffic in that area.

I want the minister to know that everyone agrees more police officers are needed on the streets. I recognize there are some 97 officers who have been added to the Metro force who were specifically given the responsibility of fighting the drug problem.

**Mr. Speaker:** Question?

**Mr. Brandt:** The question I have for the minister is, in light of the fact we need more police officers to fight a growing incidence of crime in the streets, why would her ministry support Bill 187, which according to our calculations is effectively going to remove 270 police officers from the streets of Metro Toronto while at the same time putting those police officers into a courtroom setting, which they will have to do in order to follow the directions suggested in Bill 187?

**Hon. Mrs. Smith:** The bill has been referred to committee for discussion, where I am sure it will get a good airing. It is my understanding that at almost any time police officers are present in the courts dealing with the cases that are before the courts and that co-operative ways can be found to work with the court system with these police as the most effective way of delivering security.

I remind the member that his government's Solicitor General of the day did in fact speak to this issue and provided \$3 extra per family across the province to the police forces to provide security in the courts. This was something introduced by the member's government for this reason.

**Mr. Brandt:** That is an excellent answer to a question that has no relevance to what I asked.

Let me suggest to the minister that the \$3 that was brought in by a previous government was many years ago. Since that time, there have been a number of changes that have occurred, not all of which are positive, one of which is that in the current year the Minister of Municipal Affairs (Mr. Eakins) has not increased unconditional grants one single dime to assist municipalities with the problem of providing adequate police forces.

**1400**

I could take the minister through police force after police force across this province and what she would see is that every one of them is saying that Bill 187 is going to cost them money, that they are going to have to move police officers from the streets into the courts, or alternatively, as a result of the minister not providing any additional funds for unconditional grants, they will have to raise local taxes. I am concerned about this issue.

**Mr. Speaker:** The question?

**Mr. Brandt:** Police chiefs across the province are concerned about it. What does the minister intend to do about it?

**Hon. Mrs. Smith:** The member for Sarnia well knows we have police commissions in place throughout this province that draw up their own police budgets. They have the right to appeal—

**Mr. Brandt:** They don't have the money.

**Hon. Mrs. Smith:** If they do not like their own budgets, then that is their problem, but the municipalities have the right to appeal those budgets if they think they have been asked for too much money. There was only one such appeal last year. The police commissions got precisely what they asked for and what they budgeted for across this province.

Interjections.

**Mr. Speaker:** Order. The member for Leeds-Grenville is waiting patiently.

**Mr. Runciman:** My question is to the Solicitor General as well and again ties in with the increasing public concerns about crime in the streets in metro areas, Toronto and Ottawa especially, that have been brought to the attention of this party. I want to put a quote on the record from a member of the Ontario Provincial Police drug squad with respect to cocaine: "The quantity of cocaine is increasing yearly. We are seizing coke now like we used to seize marijuana in the 1970s. Bikers, business people, stock-brokers are dealing coke."



When I have raised this issue with the minister on a number of occasions now, she has fudged with respect to adopting the implementations recommended by one of her own colleagues in terms of beefing up the OPP drug squad. She has indicated there was going to be some reallocation of resources, some shuffling of priorities within the OPP.

I would like to ask her today, what is her view with respect to the recommendation made by the member for Muskoka-Georgian Bay (Mr. Black)? Does she, as Solicitor General of this province, support the recommendation and is she making her views known in cabinet?

**Hon. Mrs. Smith:** I indeed support the recommendations of the Black report and we recognize they all must be examined to see how they can be implemented and which take top priority for full funding. The drug squads already have been beefed up, not to the full amount of the recommendation, nor have any of the recommendations probably been fully implemented, although I bow to the Minister of Education (Mr. Ward). I believe the recommendations in that area that were well under way have been fully implemented.

We plan to work in co-operation with other ministries because we recognize, as the member has pointed out, that Canada is now being targeted as a place to market drugs in a way it was not targeted before. We have the advantage of being able to look to south of the border and see what was effective and what was not effective in fighting this sort of onslaught. We are working closely with all other ministries so that we can attack it from all sides.

**Mr. Runciman:** Regrettably, I have to question the minister's credibility with respect to this issue. We are now talking about four months since the time the Black report was tabled in this Legislature. We have had a great deal of rhetoric from the government with respect to its concerns and we have heard more of it today, but there has been very little action—a lot of excuses and rhetoric.

We have talked about reallocation of resources and changed priorities, and there is a general concern right across this province about the provision of adequate resources for policing in the province. My leader mentioned some instances of that with respect to a bill now before this Legislature.

I want to put another quote on the record from the chief of the Ottawa Police Force, Arthur Rice, "We don't have the resources or manpower

to deal effectively with the drug situation in Ottawa."

I wonder if the minister would indicate to the House what in effect has been happening over the past three years with respect to the budget of the Ontario Provincial Police. I was advised yesterday by the deputy commissioner that the budget has been frozen in terms of—

**Mr. Speaker:** The question has been asked.

**Hon. Mrs. Smith:** The member would do well to remember that Chief Rice speaks not for the OPP, but for his own police force, the Ottawa Police Force, which prepares its own budget. It follows without saying, as I said yesterday and repeat again today, that we recognize the drug business is such that it would not be possible, if you doubled the money of police forces—there is still so much money to be made in drugs, as the United States experience will show, that as you pick off one person you still have more coming in behind.

Therefore, a great deal of emphasis has to be placed on other programs, as is now being done in the United States, to prevent the market from existing and from growing within our country. That is why it is so important the cabinet look at all the recommendations of the Black report, not simply at one or two in isolation from the rest.

**Mr. Runciman:** The minister did not deal with my specific question about the budget of the OPP. We are now seeing increasing concerns about street gangs in Metropolitan Toronto. Metro police say 70 per cent of all crimes in Metro are drug-related. In Ottawa, since 1987, at least 10 shootings, including that of an Ottawa police officer, and three murders, have been attributed to drugs. In Metro last year there were 180 bank robberies and a member of the holdup squad says 95 per cent of those can be attributed to cocaine users in Metropolitan Toronto.

The minister and this government are at this time reducing the budget of the OPP in terms of real dollars. They are taking initiatives like Bill 187 to frustrate municipal police forces.

**Mr. Speaker:** Question.

**Mr. Runciman:** They are not following through on the recommendations of their own member. The minister is quick to criticize police forces across this province, not support them, on many issues.

**Mr. Speaker:** Question.

**Mr. Runciman:** When is the minister, with the Attorney General (Mr. Scott), going to start taking positions in support of police forces across this province with members of the executive

council, positions that are going to strengthen the ability of the OPP to deal with many—

**Mr. Speaker:** Order.

**Hon. Mrs. Smith:** The member for Leeds-Grenville finds himself very confused on the way policing services are delivered in this province. He keeps quoting examples of cities such as Toronto and Ottawa, and then asks me why I do not give more money to the OPP. The OPP do not police in Ottawa, Toronto and so on.

The drug squad of the OPP has already been looked at. We will continue to examine priorities with the OPP, as we have in the past, but most especially we will work with the municipal police forces that do the policing in the places he is primarily quoting.

#### FACILITIES FOR YOUNG OFFENDERS

**Mr. Farnan:** I have a question to the Minister of Community and Social Services. Security in community-based correctional centres for young offenders is being jeopardized by low wages contributing to poor morale and high staff turnover. In fact, employees of more than 40 privately run custody centres are earning at least \$10,000 less than workers in provincially run institutions for young offenders.

Does the minister recognize that the whole issue of community acceptance of young offenders centres in residential areas depends on public confidence in levels of security? Will the minister admit that the poor morale and high staff turnover resulting from these low wages are helping to be a threat to public safety?

**Hon. Mr. Sweeney:** I certainly would concur with the member's statement that public acceptance of our young offenders facilities in the community is based upon the sense that they are being run and supervised properly. I would, however, then go on to say that in my judgement, having visited most of them and having met with the people who work in those centres, that high degree of supervision and maintenance is in fact there.

I will also concur with the honourable member that the disparity in wages is something that concerns me, as much as I am sure it concerns him. I am in the process right now of allocating or attempting to allocate some resources specifically for that purpose.

1410

**Mr. Farnan:** Management and staff turnover in these centres approaches 100 per cent per annum. Mr. Marks, the president of the Ontario Contract Observation and Detention Homes

Association, has said, "At present, we feel we are able to maintain the security of the community, but we do not know about the future." In the minister's own riding of Kitchener-Wilmot, Donald Adams, the program manager of Cassatta Homes, has made the same charges.

Does the minister realize that the low wages offered staff means these centres put in jeopardy the fragile community support for these residential centres, and will the minister accept responsibility for the actions of young offenders in these centres who, as a result of inadequate security, pose a threat to the communities in which the centres are located?

**Hon. Mr. Sweeney:** I would not accept the premise the honourable member's question is based on, that there is inadequate security. In my judgement, that is not the case. The member does make a very real case, and quotes people who are knowledgeable of the situation, that we do have a disparity problem in wages when compared with staff people working in those facilities which are directly managed and operated by the ministry. I am aware of that problem.

I have indicated to the member that I have been working on it and continue to work on it, but I will not concur with him that we have a security problem in those facilities. I have visited them. I have been in contact with the members. They have expressed their concern to me about the low comparative wages. I have concurred that we have to do something about them, but they have not suggested to me and I have certainly not seen any evidence that there is a security problem.

#### RENTAL ACCOMMODATION

**Mr. Harris:** I have a question for the Minister of Housing who keeps telling us the answer to affordable housing is increased supply. Everyone agrees that that is the goal. The problem we have when that is given as the answer is that since we all agree that is the goal, we are questioning whether in fact we are achieving that goal and we are asking questions about why we are not achieving it or how we are going to achieve it.

Yesterday, the minister admitted her failure to deliver on the supply side when she was forced to bring in legislation purporting to protect even the existing housing supply. This government pledged to bring in 102,000 new rental units by 1990. Will the minister tell us how many new rental units have been brought on to the market since this commitment was made?

**Hon. Ms. Hošek:** As the member opposite knows, this government has instituted the largest nonprofit production program in the history of



the province. He knows very well that we have a commitment to build 30,000 nonprofit housing units over the next three to five years, that we also have a commitment, shared with the federal government, to produce about 7,000 units of nonprofit housing a year together.

One of the reasons I have been so distressed about the problems we are having with the federal government is because, though they made a commitment together with us last year to build 7,000 nonprofit units, at the end of the year they decided to put a financial cap on the amount of money they would spend with us and put into jeopardy something like 1,300 or 1,600 units we were supposed to be building together. They have agreed to keep funding the commitment they made last year, but we are now in jeopardy of having to take that allocation out of next year's promise which they made to us and to the people of Canada.

So I am extremely concerned that the member opposite, who is clearly committed to making sure there is much more nonprofit housing all over the province, is not, as far as I understand it, in conversation with the new federal Minister of State (Housing) about what role he and his party can play in making sure the federal government lives up to its responsibility, shared with us, to build nonprofit housing together.

We will make sure that the commitment we have made to build nonprofit housing unilaterally in the province will indeed be met.

**Mr. Harris:** My understanding is that the federal government gave this government an allocation of dollars based on the minister's estimate of what it cost to provide those units and it lived up to that commitment. When the minister goofed and boomed, they agreed to advance funds from next year's budget; but that is not the question.

The minister's commitment was for 102,000 units by 1990, not with anybody's help, not with the federal government, not by some mysterious mechanism. What I am told is that the ministry by 1989 will have 15,700 units, and that will leave 90,000 to build to meet the 1990 target.

The fact is that there is less affordable housing in Ontario today, not more, since the Liberals have taken office. Liberal policies to increase supply have totally failed. That is why the average apartment rents in Toronto are the highest in the world, second only to Tokyo according to the international survey that was released on the weekend.

**Mr. Speaker:** Question?

**Mr. Harris:** Perhaps the minister can explain why typical low-cost apartment rents in Toronto are the second highest in the world. Toronto was in 11th place three years ago when the Liberals took office.

**Mr. Speaker:** Order. The question has been asked.

**Hon. Ms. Hošek:** The member opposite seems to me to be confused on a number of questions.

First, it has been clear for a very long time that a significant proportion of the work we do in social housing is done together with the federal government, and I would have expected the member opposite to know that.

As to the fact that this is a very expensive city in which to live, I and everybody else in this room is very aware of that. That is the reason we have made our commitment to build more nonprofit housing. This government has doubled its spending on social housing since it has been in office. I wish I could say that the federal government had doubled its spending on social housing since it has been in office. That would make an enormous difference.

This government is prepared to use provincial lands to make sure that housing gets built which people can afford to live in. I wish I could stand in this House and say that the government the member is allied with on the federal scene was prepared to spend its resources of federal lands to make sure there was housing available for people in this province. I want to see that happen and I urge the member, since he is so clearly concerned about—

**Mr. Speaker:** Thank you. Order.

## TEACHERS

**Ms. Collins:** My question is for the Minister of Education. Concerns have been expressed recently by school boards in my area that a shortage of French teachers is curtailing their ability to offer French-language classes. Could the minister inform this House of the action his ministry is taking to ensure that this need is being met?

**Hon. Mr. Ward:** As the member knows, my ministry and the Ministry of Colleges and Universities have been undertaking for some time now a very fundamental review of teacher education in Ontario. We expect that report to be completed in the next few weeks. It will be released and available along with its findings.

In addition, we have done a survey of teacher supply and demand. I want to say to the member that we very much share her concern over the

shortage, particularly of French-language teachers in this province. I should point out, however, that through the faculties of education, this past September enrolment for French-language teachers has increased some 29 per cent. I believe that is a very positive step.

Working together with the federations and with my colleague the Minister of Colleges and Universities (Mrs. McLeod), we are committed to doing what we can to resolve this very important issue.

**Ms. Collins:** There is also a broader concern, as the minister mentions, of a general shortage of teachers across the province. Would he please inform this House what is being done to address that problem?

**Hon. Mr. Ward:** I think most members will be aware that some of our more recent initiatives in education have had an impact. For instance, the reduction of class sizes to 20 to 1 in grades 1 and 2 has certainly accelerated the demand for primary specialists within our schools.

I am told by my colleague that by utilizing the accessibility funding and the program adjustment funding which is available to the universities, there was a significant expansion this September in enrolment through the faculties. Enrolment overall has increased some 13 per cent, an additional more than 500 positions. It is very important to note that the increase in those who are specializing in primary education is up some 20 per cent.

Between the two ministries, we are trying to target our efforts to ensure that the needs of school boards and of the students of this province are being met.

#### CONVERSION OF RENTAL ACCOMMODATION

**Mr. Philip:** I have a question for the Minister of Housing. More than a year ago, on January 7, 1988, I pointed out to her that a majority of the rental buildings constructed since 1975 are registered as condominiums. In my own riding, this consists of just under 50 per cent of all rental units. I asked what the minister intended to do to protect the tenants from being evicted as those units were sold off. Her response was a discussion paper. She promised also that a new act would come in and that she would protect the tenants I referred to.

I ask the minister, am I correct that the new act which she introduced just yesterday does nothing to protect those people?

**Hon. Ms. Hošek:** Indeed, I remember that question very well. We did examine this question very carefully in our discussions about what to do about the new Rental Housing Protection Act. Yes, the member opposite is correct. After much discussion, we decided that the tenants in registered condominium apartments are protected by the Landlord and Tenant Act and that we would go no further than that.

**Mr. Philip:** They are protected to be evicted as the units are sold off, the minister would have to admit. Does she agree that 80 per cent of the so-called rental units that have been constructed since 1975 are in fact registered as condominiums and that as those units are sold off, the tenants will be evicted? Does she admit that is the case? Why has she broken her promise to the tenants then and not done something about that?

**Hon. Ms. Hošek:** The member opposite is right. There are a large number of units that have been built in the province since the early 1980s and they are in fact registered as condominiums. They are built that way in order to make sure that there is some flexibility.

In this province, the law treats registered condominiums the same way that it treats a free-standing home which someone owns. We believe that if someone owns a free-standing home and chooses to rent it to someone, and then chooses to return to that house to live in it, he should be free to do that. We also believe that if someone owns a condominium and chooses to rent it to someone, that person should be free to move back into that condominium if he so chooses.

#### YOUNG OFFENDER

**Mr. Jackson:** My question is to the Premier, and it has to do with the release on Monday of a young offender who is a triple murderer. I have asked questions of the Minister of Community and Social Services, because currently this individual is in his care at the Syl Apps Youth Centre in Oakville. The minister said that he cannot release information even to a group as limited as the police force because he is unable to do so. He is correct, because the cabinet has told him that he cannot do it.

I would like to give to the Premier a copy of the Young Offenders Act, section 44.1(1)(h). Clearly, the Premier will see, as a former attorney himself, that it does give him and members of his cabinet authority to release that information. Why does the Premier refuse to release that information when this piece of Trudeau legislation clearly gave him that authority?



**Hon. Mr. Peterson:** I think the minister had this discussion with the honourable member and I think the minister can clear up the member's mind on this matter.

**Hon. Mr. Sweeney:** The honourable member should be aware of the fact, first of all, that the police have been notified of when this young man is being released. They have been notified of where he is going to live. They have been notified of where he is going to work. His employer knows who he is and what his background is. Those are the significant people in that community with whom he is going to come in contact, and they are aware.

My second point: Up until the day of his release, he is the responsibility of my ministry. On the day he is released, he is in the same capacity as anyone else. He is an independent adult citizen, a private citizen of this province. Does the honourable member honestly suggest that when that situation occurs, we should then follow him around and tell everybody with whom he comes into contact what his background is? Is that what the member is suggesting?

**Mr. Jackson:** The minister is quite aware that the call that was made to this government was specifically to release the information to the police forces only and to school boards—

Interjections.

**Mr. Jackson:** Well, the minister has not released the information to the appropriate school board, should the individual enrol in school. The point we have specifically asked—

Interjections.

**Mr. Speaker:** Order.

**Mr. Jackson:** We now have a resolution from the city of Hamilton council requesting that the government act, given that the council relied on press statements that the minister refused to give this information to the police when we first called upon him to do so. But we appreciate the fact that the police now have been informed after people in the third party called upon this government and called upon the minister to interpret that section of the legislation.

**Mr. Speaker:** The question?

**Mr. Jackson:** Will the minister notify the authorities also in the Scarborough area and the Halton area which were the areas of concern and where there may be transit involved with this individual on day passes? Will he please confirm that those communities as well will have their police forces notified?

**Hon. Mr. Sweeney:** The police force in the area where the young man is going to live has

been notified. We have no capacity, and I must say that even if I did have I do not think it would be appropriate, and I honestly have some difficulty with the member's suggestion that we then follow this young man around for I do not know how long and notify if he chooses to enter a college or a university, if he chooses to change employment, if he chooses to change the place where he lives. I cannot believe that the honourable member is suggesting that we do that.

## VOCATIONAL REHABILITATION

**Mr. Dietsch:** My question is to the Minister of Labour. Currently he has before this House Bill 162, An Act to amend the Workers' Compensation Act. There has been some concern expressed about this bill in the area of vocational rehabilitation services. The provision of effective vocational rehabilitation services is often the key factor in determining the success of workers' attempts to return to work.

Some critics are alleging that Bill 162 will serve to restrict access, which workers of Ontario currently possess, to these crucial services. Is it true that Bill 162 attempts to restrict access to vocational rehabilitation services for injured workers of this province, services which many injured workers will require in order to—

**Mr. Speaker:** Order. The question has been asked. Minister?

**Hon. Mr. Sorbara:** I want to thank the member for St. Catharines-Brock for his question and his interest in the matter. To clear up one point right off the bat: Under Bill 162 there is no restriction at all on the capacity of the worker to seek vocational rehabilitation under the board.

Let's just clarify, if I may for a moment, what we are trying to do under Bill 162, and that is to intervene as early as possible in the life of an injured worker so that vocational rehabilitation will be effective. The constraints within Bill 162 are indeed not on the worker but on the board, requiring it to intervene early, within 45 days, to begin the process of vocational rehabilitation. Once implemented, it is our belief that we will make a positive impact on the lives of workers who otherwise would not expect to return to the workplace.

**Mr. Dietsch:** It seems to me that both the minister and I agree that each and every single worker who would benefit from the receipt of vocational rehabilitation services should be entitled to them. This being so, I would like to ask the minister what Bill 162 does to ensure that such becomes the norm in Ontario. What

specifically does his bill do to ensure that every worker who would benefit from vocational rehabilitation services actually receives those services?

**Hon. Mr. Sorbara:** The bill does two things in very specific terms. It requires that any worker who is away from work as a result of an injury or illness in the workplace be contacted if that worker is away for more than 45 days. The board is then under an obligation to advise the worker of the range of vocational rehabilitation services that might be of assistance in assisting the back-to-work process.

Even more important, if that worker is away from work for six months as a result of an injury, the board is required to conduct a comprehensive vocational rehabilitation assessment, and then any service that the assessment suggests is necessary to help that worker get back to work must be provided under the bill to that worker to assist in that process.

I think what we are going to have is a dramatic turnaround from the present situation which typically can be characterized by a period of some 12 months to 18 months of waiting before the first intervention step is made.

1430

## FRANCO-ONTARIAN STUDENTS

### ÉTUDIANTS FRANCO-ONTARIENS

**M. R. F. Johnston:** Merci. J'ai une question pour le ministre de l'Éducation (M. Ward). Nous avons obtenu aujourd'hui – sans l'aide de votre ministère – les résultats d'une étude internationale, qui portait sur la performance, en mathématiques et en sciences, des jeunes étudiants âgés de treize ans de douze régions. Dans le cadre de cette étude, les jeunes Franco-Ontariens occupent les onzième et douzième places. En comparaison, les jeunes Québécois, anglophones et francophones, ont obtenu de bons résultats. Comment expliquez-vous que votre système d'éducation ait permis à ces jeunes étudiants d'échouer de façon aussi lamentable?

**Hon. Mr. Ward:** I do want to thank the member for Scarborough West for asking this very important question.

As members of the Legislature will be aware, yesterday results of an international study in the performance of both English-language and French-language students in Ontario in the area of mathematics and science were released. I do have to say from the outset that the results for both language groups were not as good as we had hoped, but I do want to say that our commitment

to participate in programs of both international and provincial reviews is intended to both monitor, and perhaps more important, improve programs in all subject areas.

This government is particularly concerned about the performance of all our students in the areas of math and science. I do believe that the results of this study very much reinforce the steps that this government has taken over the course of the past two years for the renewal of science and mathematics education in this province. The member will be aware that my predecessor, the government House leader, brought in a very significant 24-point action plan. We have developed a new curriculum that has certainly been widely praised in terms of its new emphasis. That curriculum will be going into our schools this September.

We have provided additional funds for learning materials and other resources and we are working with the federations in the area—

**Mr. Speaker:** Thank you.

**Mr. R. F. Johnston:** The minister has not responded to my question about why our Franco-Ontarians have suffered so badly. In that 24-point program, there is nothing laid out that is specifically geared to the Franco-Ontarian community or that recognizes this problem that exists.

My second question concerns the minister's behaviour in this matter. It is not unlikely that this minister will make announcements on the most useless of projects like this provincial report on whether or not people were following the curriculum in the province.

He puts out a news release on that, sends it around to the press gallery and lets everybody know about it, but on this matter where young Franco-Ontarians are doing so badly in our education system, he did not have the grace, even though he has had this report for some time, to even make a statement yesterday in this House or today in this House concerning this matter, to invite the critics from the opposition parties to a briefing that he held for people in the education community at one o'clock yesterday afternoon.

I would like to know why he is trying to suppress this information which is of dramatic importance to the families of French kids in this province, and why he is not highlighting how important it is instead of trying to hold it back the way he has done these last number of days so shamefully.

**Hon. Mr. Ward:** I do have to say that I fundamentally reject the member's notion that we are holding anything back. As a matter of



fact, I will say to the member that, indeed, we are very proud in terms of our efforts to move further into the area of student assessment, and that we are very proud of our efforts to set benchmark standards for all our students. New benchmark standards in science and mathematics will be completed and available by the end of 1989.

In terms of his specific question as it relates solely to French-language students, I would like to stress that indeed, much of the resources in my ministry are committed in a very fundamental way to improving French-language curriculum and support materials.

Renouveau élémentaire en mathématiques et Renouveau en science élémentaire are both ministry-supported projects designed to provide French language elementary school teachers with local professional development and curriculum resources in mathematics and sciences. The ministry's French language fund for the development and production of learning materials is giving priority to the area of mathematics and science. The same applies for additional development of computer software.

If we were not concerned about the quality of our students' performance in this area, then I suggest we would not be committing the resources that we are to undertake these sorts of reviews.

The member rejects the notion that it is important to follow curriculum guidelines. I have to say to him that, if we are going to get—

**Mr. Speaker:** Thank you. New question, the member for Sarnia.

#### PROPOSED HOSPITAL MERGER

**Mr. Brandt:** My question is for the Minister of Health and it is with respect to the proposed merger of Sunnybrook Medical Centre and Wellesley Hospital. As the minister knows, there are a number of very fundamental and important questions being raised about the very significant change in service that will flow from any merger that might take place between those two facilities.

One of the matters of concern to myself and my party is that when the merger actually takes place—if, in fact, it does—there will be some 230 beds, in total, lost to the community. Wellesley effectively would close, with a loss of over 500 beds. There would be some increase at Sunnybrook; the net result would be a loss of some 200 beds.

That concerns me, but what also concerns me are the voices being raised in the community. Elected members of council and many communi-

ty representatives are saying that they want to have a full and total discussion with respect to what will happen with regard to the proposed merger. Will the minister agree to a public and open discussion on this matter prior to any final decision being made?

**Hon. Mrs. Caplan:** I remind the leader of the third party that, in fact, we have received a proposal from the Sunnybrook hospital board, the Wellesley hospital board and the University of Toronto. That proposal is presently being reviewed by the district health council in Metropolitan Toronto. I expect that they will be reporting some time in March with their recommendations.

I am also very concerned that, whenever we do planning, there be community discussion. I understand, in fact, that a meeting is being held in the community today.

**Mr. Brandt:** That does not quite answer the question. What I am asking for, very simply, is that there be time given to the community to analyse the impact, not only the loss of beds but the change of location geographically that will occur—a downtown hospital will effectively be moved north in terms of where its new service area will be—and the type of patients who are going to be served. Will the minister simply commit to an impact analysis following the receipt of the proposed merger so that the community will have an opportunity to raise legitimate questions?

I am not suggesting now that we are opposed to the merger. I am saying that we want to proceed with caution before any merger becomes a fait accompli. That is all we are saying. Will the minister agree to that kind of public hearing with respect to the entire matter?

**Hon. Mrs. Caplan:** Again, I would say to the leader of the third party that a proposal has been received. It is presently being reviewed in a number of forums within the Ministry of Health and, as well, with the Metropolitan Toronto District Health Council, whose advice I rely on. I understand there is a public meeting taking place in the community. I believe whenever there is a significant proposal which comes forward that engenders public debate, that is good. I support that kind of process, and I believe we will have an opportunity for much dialogue on this and other health planning subjects over the weeks and months to come.

#### MUNICIPAL HIRING PRACTICES

**Mr. Faubert:** My question is to the Minister of Municipal Affairs. Since last November's

municipal election, I have noticed a number of municipal representatives, including some from the city of Scarborough, are hiring immediate family members as political staff. Members of this Legislature are aware that this practice is unacceptable by both provincial and federal standards. When it comes to serving the public, representatives must be beyond reproach, as even a perception of nepotism can damage the public confidence in its elected officials.

Can the minister advise this Legislature whether our municipal representatives are subject to standards with regard to the hiring of immediate family as personal staff?

1440

**Hon. Mr. Eakins:** I certainly understand the question the member is asking. I would say that at the present time there are no provincial standards for municipalities. My own view is that municipalities are fully accountable for their actions. They make the decision, it is their option and it is certainly their responsibility.

**Mr. Faubert:** I would like to ask the minister then if he would consider implementing municipal standards similar to those that provincial and federal representatives are subject to, in order to ensure that any public perception of nepotism at the municipal level is avoided.

**Hon. Mr. Eakins:** As the member knows, I am at the present time reviewing the Municipal Conflict of Interest Act. I would be glad to include that for review. That does not necessarily mean that we will be imposing standards in this area, but I think it is something we might look at.

#### LABOUR DISPUTE

**Mr. D. S. Cooke:** I have a question to the Minister of Labour. The minister will be aware, I am sure, that workers at a company called Dominion Forge in Windsor have been out on strike now for two years. It has been a bitter strike. There has been violence on the picket line. The company there has been asking for huge concessions. They have also, at the beginning of the strike, cut all the retirees off benefits. As I say, it has been a very bitter strike.

The union now is making efforts to get back to the bargaining table once again in another effort to try to settle this strike. I would like to ask the minister if he would use his offices, perhaps himself as the former Minister of Labour did, in an attempt to try to solve this long and bitter strike that has occurred in Windsor.

**Hon. Mr. Sorbara:** The member for Windsor-Riverside points to one of those strikes

that really has created a great deal of agony. Although I do not live in the community, I have heard from people who do the extent to which the parties have simply been unable to reconcile the differences that have kept them apart for so long. He, as well as his colleagues from the Windsor area, probably knows about how that has imposed such great difficulty on the workers in that area.

His suggestion is that I personally intervene. Probably a better approach, and I would suggest this as a response, is that, through effective mediation from the Ministry of Labour, we could once again attempt to bring the parties together.

As he knows, mediation is most effective when each side is willing to participate. I will undertake here to re-examine the situation once again and to determine whether or not, through the mediation services of the ministry, or perhaps personally, we could bring a resolution to a strike that has, as he said, gone on a very long time.

#### PETITION

##### CHURCH OF SCIENTOLOGY

**Mrs. Grier:** I have a petition signed by a number of members of the Church of Scientology requesting the Attorney General (Mr. Scott) to drop the charges that have been laid against that church. In accordance with the rules of the House, I would like to sign it and present it.

#### MOTION

##### PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Mr. Conway moved that Mr. Bossy and Mr. Callahan exchange places in the order of precedence for private members' public business and that, notwithstanding standing order 71(h), the requirement for notice be waived with respect to ballot item 61.

Motion agreed to.

#### INTRODUCTION OF BILLS

##### LEGISLATIVE ASSEMBLY AMENDMENT ACT

Hon. Mr. Conway moved first reading of Bill 212, An Act to amend the Legislative Assembly Act.

Motion agreed to.

**Hon. Mr. Conway:** This bill, and the second or companion bill which I will introduce shortly, have as their purpose the intention of adjusting, by 4.7 per cent, the salaries and allowances payable to members of the Legislature and the executive council for the fiscal year 1988-89.



## EXECUTIVE COUNCIL AMENDMENT ACT

Hon. Mr. Conway moved first reading of Bill 213, An Act to amend the Executive Council Act.

Motion agreed to.

## ORDERS OF THE DAY

House in committee of the whole.

RETAIL BUSINESS HOLIDAYS  
AMENDMENT ACTEMPLOYMENT STANDARDS  
AMENDMENT ACT

Consideration of Bill 113, An Act to amend the Retail Business Holidays Act, and Bill 114, An Act to amend the Employment Standards Act.

**The Deputy Chairman:** Dealing first with Bill 113, are there any questions, comments or amendments and, if so, to which sections of the bill?

**Mr. Hampton:** We have a number of amendments to move at this time, several amendments dealing with section 4 of the bill. It is probably best if we deal with those at this time and then move on to the other sections, since there are a number of them.

**The Deputy Speaker:** Could you identify the sections to which you would be proposing amendments; what other sections besides section 4?

**Mr. Hampton:** As I indicated initially, section 4, and there will be at least three or four amendments. I have amendments to section 6 and section 7 and that is it.

**The Deputy Speaker:** Could I ask whether or not you have copies of your amendments that could be brought forward to the table officers?

**Mr. Hampton:** I have copies of those amendments, yes.

1450

Sections 1, 2 and 3 agreed to.

Section 4:

**The Deputy Chairman:** Mr. Hampton moves that subsection 4(1) of the act, as set out in section 4 of the bill, be struck out and the following substituted therefor:

“(1) Despite section 2, the council of a municipality may by bylaw permit retail business establishments to be open on any holiday,

“(a) if, in the opinion of the council, it is essential for the maintenance or development of a

tourist industry or cultural industry in the municipality; or

“(b) if the establishments provide essential services to the municipality.”

**Mr. Hampton:** The central debate in this bill is about the municipal option. It has always been the government's contention that there was a municipal option before and that there shall be a municipal option now. However, the argument is about what the extent of that municipal option shall be.

It has been the opposition's position, and I think it has also been the third party's position, that our proposed section 4, as I have set out here, is much more in keeping with the original intention of a municipal option; that is, a municipality or a municipal council should have the option to declare an area to be essential for the maintenance or development of a tourist industry or a cultural industry in the municipality. That should be the extent of the municipal option, or it should have the capacity, with respect to clause 4(1)(b), that is, where the establishment provides essential services to a municipality.

It has been our position throughout this debate that what the government says is a municipal option in the original bill is not a municipal option. It is an abdication of the rules in favour of each municipality being able to set up its own regime. It is much more than a municipal option. It basically says to the municipalities: “Here, you handle this problem. We don't like it. We don't want to handle it. You handle it however you want to do deal with it. We really don't care if there is any attempt at consistency across the province. We really don't care about the problems you may encounter.”

It has been our position throughout this debate that the amendment I have proposed here is much more consistent with the term “municipal option.” In other words, while protecting the concept of a common pause day, a municipality has the option of declaring certain establishments or certain areas as essential for the maintenance or development of a tourist industry or a cultural industry within the municipality.

We feel that amendment makes eminent good sense and, in the long run, will lead to a lot fewer problems, both for municipalities and for the province, in terms of interpreting it, applying it and enforcing it. In moving the amendment, I think it is very much in agreement with the original tenor of the act and is in fact a true municipal option rather than an abdication of the situation to municipalities, as the government bill is.

**Mr. Kanter:** We will not be supporting this motion, which was previously put in the committee, because of the experience the committee had in travelling about the province and hearing information and evidence as to the many and varied purposes for which local councils actually exercised the local option in the past. As I said yesterday in my comments, the local option has been in effect for the past 15 years or so and experience has shown that municipal councils have permitted Sunday shopping for a variety of reasons.

In some cases, they might be under the rubric of tourism or culture or perhaps essential services, although I am not really quite sure what that means or entails. But we have found other purposes as well: social service, as in the case of Thunder Bay where shopping is permitted for people who are seniors or handicapped; multicultural purposes in other municipalities; perhaps shift work, or proximity to a border to discourage local residents from shopping in other places.

It is our view that experience has shown that the local option should stand on its own, that local councils are in a better position to determine without any rigid fetters from the provincial level, and therefore we will be opposing this amendment to section 4 of the bill.

**Mr. Harris:** My critic is just outside. The media are very interested in another matter that he raised today. I wonder if I could ask the committee's indulgence to do a couple of things. We are on section 4 now, I believe. We would like to table amendments to section 4 and also to section 9 and section 10. I also have one to section 3, for which I must ask the committee's indulgence, if with unanimous consent I could move back at some time, not right now, to section 3.

**The Deputy Chairman:** We can deal with section 3 and unanimous consent after we have dealt with this first amendment to section 4 by the member for Rainy River (Mr. Hampton). Do you have any comments with respect to the amendment proposed by the member for Rainy River?

**Mr. Harris:** It sounded like a fine amendment to us. However, we do have amendments of our own to section 4.

1500

**The Deputy Chairman:** I have recorded and the table officers have recorded that you wish to propose amendments to sections 3, 4, 9 and 10.

**Mr. Harris:** Right.

**The Deputy Chairman:** You have made copies available and that is all that needs to be done at this point.

**Mr. Harris:** So at this point, you would like to deal with this amendment?

**The Deputy Chairman:** The amendment on the floor.

**Mr. Harris:** Yes, we think it is a fine amendment.

**Mr. McGuigan:** I would just like to comment that I am opposed to that amendment, especially on behalf of one of the communities in my riding, the town of Belle River, which a year ago declared itself a tourist area. These people, for their own reasons, have taken this move. I do not think it is fair for the province to put limitations on their actions in deciding the future of their business life and their community life. This has been in effect for a year now and it is working very well.

Certainly on their behalf and on behalf of other smaller communities that are actually hamlets and do not have a government body to speak for them—several of those are open on Sundays—I would not like to see the province limiting their scope.

**Mr. Sola:** I would just like to point out that when you try to define things too closely for the municipalities, you run into trouble with the courts.

Under our present system, the Lord's Day Alliance of Canada took to court Longo's Malton Fruit Market in a riding just north of mine, as a matter of fact, Mississauga North. The courts decided they could not decide on the merits of the evidence that the municipality provided, but just on the fact that it did provide evidence. In other words, all that a municipality has to do, when we try to define something in this Legislature, is show an attempt to make a study. The courts will accept that attempt as evidence that the study proves the need for whatever purpose the municipality has decided.

In other words, we would just be getting the same situation over again. If we are going to give a municipal option, we may as well make it a real option where the municipality decides in the open, with public hearings, what it will allow within its own borders. So I am opposed to this amendment.

**The Deputy Chairman:** Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Five members having risen in their seats, a vote will be necessary.



**Hon. Mr. Conway:** I think you have anticipated my comment, Mr. Chairman. The House leaders met earlier this afternoon and have agreed that any votes arising out of the proceedings today and tomorrow will be stacked until 5:45 p.m. tomorrow.

**The Deputy Chairman:** Is there unanimous consent that all votes arising out of the considerations today will be stacked until tomorrow at 5:45 p.m.?

Agreed to.

**The Deputy Chairman:** Thank you. Then 5:45 p.m. for that vote.

**Mr. Hampton:** Correct me if I am wrong, Mr. Chairman, but the amendment you should now have before you is again an amendment to section 4.

**The Deputy Chairman:** Mr. Hampton moves that subsection 4(2) of the act be amended by adding thereto the following clause:

"(d) shall publish a notice announcing the council's decision to review the Sunday shopping issue and providing details of a public meeting and shall send copies of the notice to all persons who have asked to be notified about any proposed changes in Sunday shopping bylaws."

**Mr. Hampton:** If you read subsection 4(2) of the act, you will note that it sets out certain procedural guidelines for the municipal council in dealing with the Sunday shopping issue. However, those guidelines that are set out in clauses 4(2)(a), (b) and (c) are not complete by themselves.

Clause (a) says that the council "shall hold a public meeting in respect of the proposed bylaw." Fair enough; a public meeting shall be held. Clause (b) says, "shall publish notice of the public meeting in a newspaper having general circulation...at least 30 days before the meeting is to be held." That is a requirement for one notice and one notice only. Clause (c) says, "shall permit any person who attends the public meeting the opportunity to make representations in respect of the proposed bylaw."

However, what we maintain is necessary in order to provide the requisite notice is that the council should be required to "publish a notice announcing the council's decision to review the Sunday shopping issue and providing details of a public meeting and shall send copies of the notice to all persons who have asked to be notified about any proposed changes in Sunday shopping bylaws."

1510

The point we wish to make here is this: Some people may have a general interest in the issue of shopping bylaws, in whether there shall be Sunday shopping or whether there shall not be Sunday shopping. Some people may have that general interest.

But some folks and some organizations—this was brought home to the committee when it travelled across the province—whether they be churches, trade unions, trade associations or certain store owners, may have a special interest in the issue and may have already been in touch with council to say, "If you're going to make any changes on these things, please let us know well in advance so we can marshal our arguments, so that we will have the opportunity to come before council and present a co-ordinated and well-thought-out line of argument on the issue."

In our view, those individuals and those groups that have a special interest in the issue, that you might say have a vital interest in the issue, perhaps in terms of their own businesses or their own jobs, or in terms of organizing their working lives, their family lives, their business lives, ought to receive a special notice. That is what this amendment speaks to, the fact that if groups or organizations have in the past indicated a special interest in the issue, they should receive a personal notice indicating council's decision to review the Sunday shopping issue, so that they may have the requisite time to put their arguments together on this very important issue.

By themselves, clauses 4(2)(a), (b) and (c) do provide procedural guidelines, but in our view they are not complete procedural guidelines, especially when one considers that this kind of issue may quickly divide into two camps: those types of businesses or commercial undertakings that feel they may have a special interest in having a Sunday opening bylaw passed, and those businesses, trade unions and community groups that feel they have much to lose when a Sunday opening bylaw is passed.

Inasmuch as on one side of the coin we may have an organization that is a proponent of a Sunday opening bylaw and may have lots of notice of what is happening, and in fact may be the initiator of a Sunday opening bylaw, we feel it is only fair that those who may be opposed should have equal early notice, notice at the earliest possible time, and should have, again in line with their interest, special personal notice of what is happening. That is the reason for the amendment.

**Mr. J. M. Johnson:** The amendment proposed by the member for Rainy River makes

extremely good sense. I am sure the government would want the very people who would be affected by this legislation to be aware of the fact it will be coming in in a short period of time. I see no reason at all why the proposal should not be accepted. We are simply saying that the people who are vitally interested would leave their names with the town clerk per se, and that he in turn would notify them when the hearings are going to be held. That just makes sense and we support that.

**Mr. Kanter:** I am glad the members of the opposition parties have recognized the importance of subsection 4(2) of the legislation, because it is that subsection, which they seek to amend, that sets out the very important procedural guidelines, requirements of notice, a public meeting and permission for any person who attends that meeting to speak.

I want to reiterate that this provision, which was in itself an amendment to the bill, is much higher than the current requirement under the local option. There is no requirement currently that there be notice and a meeting and an opportunity to speak. The provision we have established is similar to the Planning Act and in our view the provision the government moved in the committee is a complete and appropriate code.

There is nothing in the bill as it now stands that would prevent any council from going beyond the minimum standard of notice and hearing provisions. Some councils may indeed choose to establish a mailing list of the sort recommended by the member for Rainy River, or they may put information out in various languages or they may adopt various other additional provisions. However, the government realistically does not wish to fetter the hands of councils unnecessarily, particularly perhaps the smaller municipal councils with less professional staff.

I think there are some practical problems inherent in the motion suggested by the member for Rainy River. There might be a relatively small change in the legislation, perhaps expanding the size of one drugstore that may be permitted to open, something that may be of little interest to people who may be generally interested in the issue.

There are many practical questions as to the length of time these names must be kept on file, whether they must be kept in writing. What would happen if someone moved, whether a municipal bylaw could be voided if a very strict, overly strict and detailed procedural requirement were set at the provincial level?

We have some confidence in local councils. We believe they will do what is appropriate for local circumstances and therefore we will oppose the amendment put by the member for Rainy River and supported by the member for Wellington (Mr. J. M. Johnson).

**The Deputy Chairman:** Is there any other discussion? I will therefore put the question.

Mr. Hampton has moved that subsection 4(2) of the act be amended by adding the following clause:

“(d) shall publish a notice announcing the council’s decision to review the Sunday shopping issue and providing details of a public meeting and shall send copies of the notice to all persons who have asked to be notified about any proposed changes in Sunday shopping bylaws.”

Is the pleasure of the committee that the motion carry?

All those in favour will please say “aye.”

All those opposed will please say “nay.”

In my opinion the nays have it.

Vote stacked.

## 1520

**The Deputy Chairman:** Mr. Runciman moves that section 4 of the bill be deleted and the following substituted therefor:

“4(1) Despite sections 2 and 3, the council of a municipality may, under the procedure established in 4(2), designate retail business establishments to be open on any holiday for one or more of the following reasons:

“(a) it is essential for the development or maintenance of a tourist industry;

“(b) it is essential for the development or maintenance of a particular cultural community.

“4(2) A municipality may make application to the Retail Business Holidays Exemption Board for approval of exemptions to the Retail Business Holidays Act.

“4(3) Upon the receipt of an application from a municipality, the Retail Business Holidays Exemption Board has 30 days to indicate to the said municipality whether or not public hearings on the application are necessary.

“4(4) In the event the board determines that public hearings are necessary, these hearings must be held in the said municipality within 90 days of the receipt of the application.

“4(5) Within 30 days of the conclusion of the hearings or in the event no hearings are held within 30 days of receipt of the application, the board must inform the municipality of its decision.



"4(6) The board's decision must take one of the following three forms:

"(a) accept the application; or

"(b) reject the application; or

"(c) accept the application with modifications.

"4(7) In the event that a municipality is dissatisfied with the decision of the board, the municipality may appeal such decision to the Lieutenant Governor in Council."

**Mr. Runciman:** Regrettably, our critic on the Sunday shopping issue is not able to be with us during these deliberations, but I will as best I can attempt to elaborate on the positions she put forward at the committee with respect to this particular amendment.

Obviously, the intent is to try to be more restrictive with respect to the ability of individuals, corporations, businesses and so on to open on Sundays. It is an attempt to try to be more definitive with respect to spelling out clearly the kinds of situations whereby a municipality would be enabled, under this particular section of the bill, to allow Sunday shopping in any given municipality.

The drafter of the amendment and our party believe the areas we have dealt with, the development or maintenance of a tourist industry and the development or maintenance of a particular cultural community, certainly are areas that our party and, I suspect, all members of this Legislative Assembly can live with.

I want to make a point at this juncture that I think is appropriate, although it does not deal with the specific amendment. That is the absence of the Solicitor General (Mrs. Smith). She has certainly been absent since I have entered the chamber and I want to—

**Mr. Faubert:** How about the absence of your critic?

**Mr. Runciman:** Well, I want to make a point that was raised during the deliberations of the committee during my presence. We were assured at that time by the parliamentary assistant to the Solicitor General, the member for St. Andrew-St. Patrick (Mr. Kanter), in presenting justification to the committee for the ongoing absence of the minister—when her presence was required or requested, let's say, on a number of occasions and the minister declined to make an appearance except for one brief stop for 15 minutes to deal with the concerns of members of the committee—that the minister would be here during committee of the whole House deliberations on the legislation, to answer questions and address concerns raised by members of the assembly. Obviously, that commitment is not being met here today on

the first day of deliberations in committee of the whole House.

I want to say it is indeed regrettable and another indication of this minister's lack of commitment to this piece of legislation, a piece of legislation that ultimately has been an embarrassment to her, if not to her leader.

I simply wanted to put that on the record. Hopefully, the members of the governing party will do whatever they can to encourage the minister responsible to attend these hearings. I do not think there is anything more I want to say at this stage.

**Mr. Kanter:** This motion was also put in committee by a representative of the Conservative Party, the member for London North (Mrs. Cunningham). While some of our difficulties are similar to those we encountered with a previous motion put by the official opposition, in terms of the limited criteria under which opening would be permitted, our reservations about this motion are really much more serious.

It would set up a retail business holidays exemption board. Our concern is this would be an elaborate, expensive and ultimately undemocratic check on elected local representatives. There are many practical questions in terms of the membership of this body and how it would be chosen. As I think all members would be familiar with by now, there are great differences, even among religious groups, among employer groups or employee groups, as to the desirability or lack of desirability of Sunday shopping.

There would certainly be expenses incurred and I know that members, particularly of the third party, have spoken from time to time about their concerns about establishing other bureaucracies or other expenses. There is no question that other expenses would be involved here. Really, our primary concern and our primary point of principle why we feel this would be a very bad idea would be the replacement of local, elected decision-makers with centralized, provincially appointed decision-makers.

We simply do not feel that a body appointed by Queen's Park can be as responsive to conditions in the area of the member for Leeds-Grenville (Mr. Runciman) or the member for Rainy River, or indeed any part of the province, as can local decision-makers, people on the spot, elected members of local councils. We feel it would be a very retrogressive step to accept this amendment and therefore we will not support it.

**Mr. Hampton:** We will support the third party on this amendment. Despite the comments of the parliamentary assistant, we think it is a

good amendment. It is a reasonable amendment. It is one many communities asked for. It seems to be an amendment only the government of the province is opposed to. We will support it.

**Mr. Sola:** I oppose the amendment on two counts. First of all, both opposition parties seem intent on tying the hands of local municipalities, and at the same time, tying the hands of the government that is supposed to be running the province.

If the members look at what the Progressive Conservative task force tried to set up in its recommendations, I think this goes against the grain of the recommendations of the PC task force. For instance, the PC task force tried to open up certain Sundays as we approached Christmas and decided to do away with banning shopping on Boxing Day. At that time, they had 18 members of their caucus sit in on this task force, going around the province to see what the province wanted. They recommended opening up certain areas at certain times and now they are trying to do the opposite.

Of course, there are only five left in the present caucus from that committee that travelled the province. As a matter of fact, their whole caucus is not as large as the task force that travelled the province. I think they should be a little bit more consistent in their proposals and that is why I am opposed.

1530

**The Deputy Chairman:** Are there any other participants? I will therefore put the question.

All those in favour of Mr. Runciman's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**The Deputy Chairman:** We have a request from the House leader of the third party that notwithstanding the fact that the committee has already approved section 3 of the act, the third party be permitted to propose and move an amendment to section 3. Is there unanimous consent that the amendment be permitted to section 3?

Agreed to.

Mr. Runciman moves that section 3 of the bill be amended by adding the following subsection thereto:

"(3) Subsection 3(8) of the said act is repealed and the following substituted therefor:

"Section 2 does not apply to retail business establishments or any class thereof which have

been exempted according to the criteria established under section 4."

**Mr. Runciman:** This amends the section of the proposed act by changing the square footage requirements for holiday retail openings from 5,000 square feet to 10,000 square feet.

It would also repeal subsection 3(8) of the Retail Business Holidays Act. This subsection states that section 2, which prohibits any retail outlets from opening or admitting the public on a holiday, does not apply in the case of any exemptions made under section 4.

This new subsection that we have proposed will provide that the act does not apply to any retail establishments exempted, as outlined in the criteria of the new section 4.

**Mr. Kanter:** I find the motion somewhat technical, but I believe that it essentially would be superfluous. I believe that the intent of the mover would be to suggest that the section does not apply to retail businesses where there has been a municipal bylaw passed and I believe that provision is covered by the opening words of subsection 4(1) in the proposed legislation, which say "despite sections 2 and 3." I believe it is superfluous, unnecessary and, therefore, we will not be supporting it.

**The Deputy Chairman:** Are there any other participants? I will therefore put the question.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Section 4:

**Mr. Philip:** I move that the motion to add subsection 4(1a) be amended by adding thereto the following clause:

"(d) shall publish the notice mentioned in clause (b) in any ethnic language newspaper where more than 10 per cent of the residents of that municipality have a language other than the mother tongue."

**The Deputy Chairman:** We do not have at the table here the motion in writing, as required. Do you have a copy?

**Mr. Philip:** I understand that, I just— Maybe we can stand it down and I will supply it to you in a minute, Mr. Chairman.

**The Deputy Chairman:** Mr. Hampton moves that subsection 4(7) of the act be amended by striking out the word "may" in the first line and substituting the word "shall."

**Mr. Hampton:** The subsection shall now read, "The council shall establish a plan setting



out the criteria to be considered by it in determining whether a bylaw should be passed under subsection 1."

As you read section 4, one can see that there is some intention to establish a procedural code or procedural guidelines which councils must follow when they go about passing or considering a Sunday shopping bylaw. We are of the view that many of the procedural guidelines are, of course, inadequate.

One of the inadequacies is found exactly here in subsection 7. The government might as well remain silent on the issue if it is merely going to say, "council may establish a plan setting out the criteria to be considered...in determining whether a bylaw should be passed under subsection 1." Putting the language in the terms that it "may" set up such a plan provides no procedural protection at all.

In fact, what it amounts to is putting down words in subsection 7 which might have the effect of leading someone to believe that there are procedural safeguards, but in fact there is no procedural safeguard there at all. It simply says that council may do it or may not do it.

#### 1540

What we are advocating is that if the government is serious about providing meaningful procedural safeguards, subsection 4(7) should require a council to establish a plan setting out the criteria to be considered by it in determining whether a Sunday shopping bylaw should be passed under subsection 4(1).

If a council is required to set out such a plan which lists the criteria it will look at in considering whether it will pass a Sunday shopping bylaw, it provides for those organizations or groups which may be vitally concerned with the issue and for the general public a framework within which they know the bylaw will be debated. It provides a framework within which they know what the critical issues are.

Otherwise, it is very difficult for interest groups which may be for one reason or another opposed to a proposed Sunday shopping bylaw to address on the spur of the moment whatever the arguments may be that are put forward by the other side.

What we are saying is that if we are going to pass on these kinds of difficult commercial arguments and these kinds of difficult bylaw arguments to a municipal council, they at least ought to be passed on with some sort of criteria guideline so that everyone knows what the ground rules are and everyone knows what the considerations are.

A council can start from within that framework of rules and can have an organized debate within the municipality rather than a disorganized one, rather than some of the things we saw taking place in some of the municipalities in Metropolitan Toronto last fall, where there were allegations that some parties actually went out and gave money to individuals and said, "Look, show up at this meeting at council and whenever anyone says anything favourable towards a Sunday shopping bylaw, show your support for it by giving a rather loud demonstration."

That is the kind of thing we want to avoid. If we are going to pass this down to municipal councils, we ought to at least have the decency to pass something down that has some guidelines to it, that has some criteria to it or requires them to set up their own criteria.

Municipal councils, in fact, asked for this. At the same time, the municipal councils were saying: "Look, we don't want this political football handed our way. We don't care to have it. It belongs in the provincial ballpark, but if we're going to have it forced on us, we want a clear direction as to how municipalities and municipal councils are to handle these sorts of things."

By inserting the word "shall" and taking out the word "may" in section 7, we provide a better procedural code. As I say, the section with the word "may" in it, as it now stands, is rather empty.

**The Deputy Chairman:** The member for Etobicoke-Rexdale.

**Mr. Philip:** I am willing to listen to the government's version first and then speak after the government has given its opinion.

**Mr. Kanter:** At this point and in the context of this amendment, I think it is important to review one more time the basic framework of the legislation, because the legislation does not require every municipality to consider, of its own volition, what it wants to do with Sunday closing. The legislation sets out a provincial closing framework.

A municipality which does nothing is under that provincial closing framework. Penalties are stepped up, enforcement is much tougher, as long as the municipality stays within that provincial framework.

I think it is very important to note that a municipality is under no obligation to change from the provincial Sunday closing framework. That is why it does not make any sense to require a municipality to establish a plan for dealing with something it does not have to deal with.

Certainly, if the comments of the opposition parties are correct, if most municipalities do not want to change or vary from the current Sunday closing procedure, there will be no need for a municipal plan.

On the other hand, if we have any municipalities that do choose to deviate from the provincial closing framework, we have established a procedural code—a requirement for notice, hearing and participation—a much stricter, more accountable code than existed in the past, a way to allow every interested citizen to participate directly at the local level in this decision.

We have gone further and we have permitted municipalities to establish a plan. We feel this could be useful for municipalities. Some have suggested that some person might design some sort of model Sunday closing bylaw that a number of municipalities might agree to accept jointly. That might be useful.

However, I would remind all members that there are some very small municipalities, which do not have a large and elaborate professional staff, that might not want to deviate from the provincial closing framework or might feel they could do so on the basis of an individual application and would not have the expertise, the inclination or the desire to establish a plan beforehand.

We feel that our amendment, which makes a Sunday closing plan optional with the municipalities, is the best way of recognizing the diversity of municipal governments in this province with the diversity of resources and interests that they contain.

**Mr. Philip:** The Liberals argue that this is provincial legislation. The major problem, the municipalities have argued, is, "How can you have provincial legislation without any clear-cut guidelines, without having any clear rules?"

Now the Liberals want to have a section that allows the municipalities to do whatever they want and they put in this namby-pamby little clause that is meaningless, because it says, "may establish a plan setting out the criteria."

That is a little bit like the National Hockey League saying: "We're going to have a world hockey tournament, but we're not going to have any kind of rules. So you won't really know, if you're one of the teams, how you are going to be judged or what you are going to be judged by."

What the government is doing in this section is it has a contest and the contestants do not know what the rules are and there is no requirement that those who are refereeing the game have any kind

of criteria by which they judge who is the winner and who is the loser.

All we are saying is fine, if the Liberal government wishes to abdicate its responsibility to the municipality, at least have a requirement that when somebody is faced with a major change or indeed if somebody wants to bring about a major change, he at least knows what the rules are. If the government does not, then what it is opening it up to is all kinds of capriciousness on the part of whoever happens to be in the position of deciding one way or the other as to whether a certain request will be granted.

I say that will lead to all kinds of abuse. It creates a tremendous instability in the marketplace. If it is worth while to put in "may," then it makes even more sense to put in "shall" and require that the municipality spell out exactly what the rules are.

What the Liberal government seems to be intent on doing is not only giving up its own responsibility, but also making sure that the local municipalities do not have to be responsible either by spelling out exactly what it is they are doing and how they are doing it.

The municipalities have said to the parliamentary assistant and the minister in no uncertain terms that this is irresponsible, that it will not work. If you look at practically any other decision made by municipalities, I can go down to the municipality for the simplest change in bylaws or to the board of revision or any one of the various municipal bodies and I can say: "Here are some of the things that I would like to do. What are the rules about it? How am I going to be judged if I go before this particular municipal body and ask for this or that particular committee and ask for that?"

**1550**

The municipality will tell me in no uncertain terms, in black and white. They will say: "Here are the rules. Now you can decide whether you want to make an application or not." If I can find out what the rules are for something as simple as perhaps making a small revision in some property that I own, which may, at the most, affect a neighbour or two, then surely for something that is a major economic change in the community, the government should have clearly established criteria. Unless the Liberal government accepts this, then once again it is being irresponsible and abdicating its responsibility to the taxpayers.

**Mr. Runciman:** I want to indicate that we are supporting the amendment. We agree that the word "shall" should replace the word "may." In



terms of the expansion of guidelines and sending out some very clear signals to the municipalities, I think that indeed has to be done.

I know the parliamentary assistant talks about trying to recognize the different situations in a variety of municipalities, going from rural communities to the largest urban area in terms of resources, but I think that can be recognized in some form of broad guideline direction that should be incorporated in this bill as well and in any specific details with respect to the development of a plan in any given municipality.

I think those differences can be recognized and indeed should be recognized, but I do not think the parliamentary assistant's concerns are legitimate in the sense that he is suggesting to the assembly that, because of the disparities in tax base population and so on, this sort of thing cannot be addressed through the bill, that we have to leave individual municipalities with adequate flexibility to address it based on their own needs.

I think in this particular situation it is incumbent upon the government to spell out very clearly the kinds of areas that it wishes to be considered in the development of any plan dealing with this matter. I think there are areas in terms of the socioeconomic effects of Sunday shopping on municipalities, and they may want to build in some sort of population bridge and that sort of thing. We have done that in other pieces of legislation where we have different levels of assistance, different initiatives of the government applying, dependent upon the population level of any given municipality. That is one option that could perhaps be reviewed.

I think we have to spell out the considerations clearly—and I am thinking more in terms of some of the modest to large-sized urban areas—for example, the costs of added day care, the question of added transportation costs. The parliamentary assistant knows that is a particular concern that has been raised by many in their appearances before the committee.

In my own community of Brockville, for example, the public transit system shuts down on Sundays. It does not currently operate on Sundays, but if we get into a situation where Sunday shopping is being considered, I think this is the sort of thing that can and should be addressed. As other members have mentioned, it is the kind of direction, the kind of assistance that the municipalities out there wish to see occur.

They are being forced to accept this legislation by this huge majority Liberal government against their will, against the wishes of the Association

of Municipalities of Ontario. They are having it shoved down their throats. The people of Ontario are having it shoved down their throats. I think it is incumbent upon the government to do whatever it can to moderate, to alleviate the very valid concerns that are out there in the public and certainly within municipal governments across the province.

**Mr. McGuigan:** This amendment touches a concern I have and I feel a lot of my constituents have, that is, that they are a separate part of Ontario. There is Toronto and then there is the rest of Ontario, and all of our laws are being made on behalf of Toronto. In our small communities of 2,000 and 3,000 people, and I mentioned some of them, where the councillors are very close to the people—they meet them on the street; they meet them, of course, in election campaigns—these things are debated at the street level before they are brought to the council.

Those small communities may decide, just on a visceral opinion, that they want to or do not want to go with this system. They do not want imposed upon them from Toronto that they have to set up a very elaborate set of criteria. They just decide in their own minds whether they are going to move. The proposed law as it stands gives them that opportunity. They may or they may not. On that point, I am opposed to the amendment.

**Mr. Philip:** I would like to ask the member who has just spoken what he feels "council" is referring to in this bill. Would it affect his local council of 3,000 people?

**Mr. McGuigan:** In answer, I do not think it should be imposed upon them that they must set out these criteria, which, in my opinion, takes us back to the same position we were in when we tried to define what a recreation area is. When we try to define that we get into all sorts of trouble. I think you are taking us back to that same position. I believe councils should be allowed to make up their mind on the advice and the consent of the people they represent.

**Mr. Philip:** I would like to follow that further. I wonder if the member realizes that "council" refers to the council of a municipality; if he would like to check what "municipality" means in this bill, he would realize that what he said is completely irrelevant to what we are debating in this bill.

**Mr. Sola:** I would like to refer to the example the member for Etobicoke-Rexdale used of the hockey tournament. I particularly like that example because it proves he does not know what

he is talking about. When you set up a hockey tournament, you can only set the rules for the participants. You cannot set rules for people who decide to opt out of the tournament.

Our provincial framework is like the hockey tournament. It sets out the rules for those who participate. We do not want to set the rules for those who think this particular tournament is not convenient for them at this time and want to opt out. They may decide to go to another tournament. They may decide to play broomball or go on a vacation. We set the rules for the people who want to participate, but it is up to those who do not want to participate to set their own rules. I think it just proves that the honourable member for Etobicoke-Rexdale does not know what he is talking about.

**Mr. Philip:** As usual, the member has not read the bill. He not only did not listen to the delegations, but also did not read the bill. If he read subsection 4(6), he would realize that it allows both the opting in and the opting out, and in fact it deals with the whole regulatory process whereby people can opt in or opt out, stay open, stay closed or whatever, as it affects their livelihood.

**Mr. Fleet:** I am voting in favour of the bill. What else do you want to know?

**Mr. Philip:** The Liberal members obviously did not listen in committee and they do not want to listen in the House. The member for High Park-Swansea (Mr. Fleet), of course, who has not had the courage to stand in the House and tell his constituents where he stands on this bill yet, still wants to interrupt me as I try to show the people who are viewing this and who are concerned, the four million people who—

**Mr. Fleet:** I am voting in favour, Ed.

1600

**Mr. Pouliot:** You're on the wrong side of the House, that's your problem.

Interjections.

**The Deputy Chairman:** Order.

**Mr. Philip:** The member for High Park-Swansea, who has not had the courage to stand in the House, face his constituents on television and tell them why he is voting contrary to their wishes, insists on interrupting members of the opposition who are—

**Mr. Fleet:** On a point of order, Mr. Chairman: Aside from the improper suggestion as to my motives by the last member speaking, as I have indicated repeatedly from this spot, I am

supporting the bill for a host of reasons. It is a good bill. It is good for the province.

**The Deputy Chairman:** Could I interrupt you, please? You will have your opportunity to make a speech in rotation. The member for Etobicoke-Rexdale has the floor.

**Mr. Philip:** What we are trying to do in this amendment—and I realize it upsets the member for High Park-Swansea, because he does not want his constituents to know exactly where he stands because they will be voting against him in the next election over this, so he continues to interrupt—what we are clearly trying to do is to require that there be rules.

These are matters that are affecting a person's very livelihood. We heard from groups such as the Korean Businessmen's Association about how, as a result of similar legislation to this in British Columbia, they were forced out of business and moved to Ontario where they thought there was some kind of stable environment where they could operate a business, where there were clear-cut rules and where they would not have capriciousness or changing of the rules overnight.

All we are saying is that if the government is going to change the rules, then it at least has to have criteria so that a person then can know what the rules are when decisions are being made that affect their livelihood or the quality of their lives. Unfortunately, the Liberals do not want any rules and that is why they are giving up their responsibility to the municipalities, and now they do not even want the municipalities to have clear-cut rules in the case where people feel that perhaps a decision has been made that is unjust. They cannot even have a set of rules whereby they can say, "Here are the rules that are being violated in making this decision." I say to the government: That is not flexibility; that is simply anarchy.

I realize that the Liberals have trouble making up their minds on anything and therefore anarchy is the rule by the Liberal members in this House. Surely if the government is going to give up its responsibility to the municipalities, it can at least require the municipalities to have some rules so that when a person's livelihood is affected, he at least knows how he is being judged.

I realize that the member for High Park-Swansea does not believe in that, but his constituents do and they will tell him so in the next election.

**Mr. Allen:** I would like to make a couple of points. First of all, with regard to the comment by the member for Mississauga East (Mr. Sola),



there are, after all, in section 4 a number of elements in which the word "shall" is used, and by his logic they should not be there. This is a government bill, so I do not know how he deals with that.

Second and perhaps more to the point, the proposal is not to establish the rules or the criteria that a municipality must adopt by which it judges whether it will move into an opting-out pattern and what it will do under the opting-out formula. The only requirement is that the municipality pay its own residents and voters the courtesy of laying out a plan; that surely is the least that this government ought to require of a municipality. After all, the municipalities are constitutionally subject to this Legislature. They are creatures of the Ontario Legislature.

It only makes sense that if we, as a Legislature—compromised as I am on this side by the vote on the other side—are making an opportunity available to municipalities to provide an option to the framework, at least we say that some things need to happen; not that we tell them what criteria they have to establish, but that they be required to establish a set of criteria by which the action they will take, as the clause goes on, "in determining whether a bylaw should be passed under subsection (1)," will take place.

It seems to me it is an important kind of measure for this Legislature to have in this section. It certainly places no mandatory burden of the opinion of this House, beyond the point of saying such a plan should exist. I have no problem in supporting my colleague's motion that the word "may" should be amended to read "shall."

**Mr. Runciman:** I have just a few more comments. We are talking about the plan, and I am not sure if the parliamentary assistant has responded since his initial outburst. I want to point out as well that the Solicitor General continues to be absent during the debate. I am going to continue during this process to point that out.

**Mr. D. S. Cooke:** And the Attorney General (Mr. Scott).

**Mr. Runciman:** The Attorney General as well, as has been brought to my attention.

We want to talk about the plan and the fact that subsection 4(7) simply says, "The council may establish...." We were talking about whether the wording should be changed to read, "The council shall establish a plan setting out the criteria to be considered by it in determining whether a bylaw should be passed under subsection (1)."

We have been arguing about the fact that it should require that through the word change to "shall," and also about the fact that there should be some more direction provided in terms of what plans should indicate to municipalities across this province; that in fact there should be some clear definition with respect to just what kind of plan we are talking about here, who will draft it and whether there will be any assurance that the plan includes some sort of analysis or at least an estimate of the added costs municipalities could incur.

I mentioned earlier in my comments two examples: transportation and day care. I think it could be argued that there should be consideration given to some sort of provision within this plan that would clearly stipulate that more than 50 per cent of the population in that particular municipality approves of Sunday openings. That indeed would be an appropriate initiative and one I hope the government would give favourable consideration to.

**Mr. Chairman:** Do other members wish to participate in the debate? If not, are we ready for the vote?

**Mr. D. S. Cooke:** What about the parliamentary assistant? No response?

**Mr. Chairman:** No response.

All those in favour of Mr. Hampton's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

1610

**Mr. Philip:** Mr. Chairman, I believe you have my amendment that we stood down a minute ago.

**Mr. Chairman:** Yes, I do.

Mr. Philip moves that subsection 4(2) of the act, as set out in the bill, be amended by adding thereto the following clause:

"(e) shall, if the most recent federal census indicates that 5,000 or more residents of the municipality have as their mother tongue a specific language other than English and a local newspaper publishes in that language, publish a notice referred to in clause (b) in that newspaper."

**Mr. Philip:** We know from the experience in British Columbia, the representations that were made to the committee and indeed our own experience in our own ridings that many of the businessmen who operate small stores speak languages other than Canada's two official languages. My experience is that many of the

smaller stores in my area are operated by people who speak and read as their mother tongue Korean, Punjabi, Urdu, Italian or one of a variety of other languages. I am sure that all members have similar experiences, with the exception perhaps of a few rural ridings that have a 95 per cent to 99 per cent English-language constituency.

All we are saying is that many of the merchants are people who have come from other countries, in many cases people who may have PhDs or who may be medical doctors or lawyers in their own countries, but because of the educational problems, because of the problems of getting certification, they have entered into businesses that can help them become self-supporting citizens. Many of their sons and daughters are now becoming the doctors, the lawyers, the chiropractors and the teachers in our society. But because of the language problems, because of the certification problems of their degrees and so forth, they have gone into businesses that allow them to support their families and be productive citizens.

Many of these people have enough English-language skills to operate stores, but they are much more comfortable in reading their own newspapers, what have traditionally been called ethnic newspapers. We see over and over again the amount of advertising that this government does in many of those newspapers, trying to get its particular message across, the message of the government and also, if one were cynical, trying to get the votes of these people.

The Provincial Auditor has been somewhat critical of the fact—

**Mr. Faubert:** That's imputing motives.

**Mr. Philip:** Well, it is a fact. It is a fact that the Liberals, when in opposition, were very critical of how the Conservatives spent money on advertising in these various newspapers without any criteria. Now we see that the Provincial Auditor says the government has changed but, in this regard, nothing has changed; there are no criteria, there is no focus and so forth and a lot of money is being spent.

If this government believes, and I think it is right in so believing, that all of these different-language newspapers are important for it to get its message across, even about legislation which might not be considered of major significance—and it does; it buys ads in these papers to let the people know what the government is doing—then surely something that is as important as something that will affect their business, their very livelihood should follow the same pattern and

should be advertised in these various newspapers.

**Mr. Ruprecht:** On a point of order, Mr. Chairman: I think the member for Etobicoke-Rexdale should realize that the criterion for ads in any of the ethnic newspapers is quite strict. When he stands up to say that the ads—

**Mr. Chairman:** Order. That is not a point of order.

**Mr. Ruprecht:** This is very important.

**Mr. Chairman:** It is not a point of order; it is a point of information. The member for Etobicoke-Rexdale may continue.

**Mr. Philip:** It is so rare for the member for Parkdale (Mr. Ruprecht) to speak in this House that I certainly would not want to deprive him of the opportunity.

The fact is that if the member for Parkdale had taken the time to read the last Provincial Auditor's report, he would have seen exactly what the auditor said about the advertising policy of this government. He said there were no figures as to who its population was. He said there were no follow-ups and no adequate evaluations. If evaluations are not criteria, I do not know what are.

He said that the government was wasting the taxpayers' money.

**Mr. Pouliot:** They are not getting value for money.

**Mr. Philip:** Not getting value for money.

I know the publishers of some of these newspapers come to me and say: "We have a good newspaper, and we publish in this province. We can't seem to get ads from the present government, but our competitor does. Why is that?" I understand why they might feel upset and why the auditor would be so critical of this government.

I am sorry if the member for Parkdale feels that somehow everything is alive and well in the ethnic newspapers and in the government's advertising policy; it certainly is not the position that the nonpartisan evaluation of the Provincial Auditor has made.

**Mr. Smith:** Are you partisan, Ed?

**Mr. Philip:** I am a lot more partisan than the Provincial Auditor.

The Provincial Auditor has said in no uncertain terms that the Liberals' advertising policy is shoddy. There will be an inquiry before the standing committee on public accounts, I can assure them of that end to it.

**Mr. Kanter:** The motion before us deals with publication of a notice in another language. I



think that, in order to assess it, we really have to go back to the procedural code, which again, I remind members, this government introduced and which was opposed by the member for Etobicoke-Rexdale and his colleague the member for Rainy River.

I believe that the procedural code is an extremely important addition to this bill, in that it is the basis or the underpinning to allow every concerned individual an opportunity to have his say, to have his or her voice heard. I think it is an important addition and it is really a kind of minimum standard. I think it is a very significant minimum standard. It is set out in terms similar to the Planning Act, again where municipal changes can affect people's livelihoods and the quality of life in their neighbourhood. It is similar to the kind of notice you get for regulations, for example, of this government, where notices are printed in English and, I believe also in many cases, in French, Canada's other official language.

I think we want to be very clear that we are establishing a minimum standard in the legislation. There is no question that some municipalities may choose to go beyond the minimum standard. I used to be a councillor for the city of Toronto, and routinely we published many notices in four or five different languages. Many other municipalities do the same thing.

I would suggest that the amendment by the member for Etobicoke-Rexdale is too rigid, too inflexible and very difficult to interpret. There are a lot of difficulties in interpreting census statistics, in looking at various groups and trying to determine what languages they speak, and in some cases in determining what the appropriate newspapers would be. What if, for example, a group only published a newspaper or a newsletter or an annual report on an annual basis? It would certainly make it very difficult for the municipality to give notice to this group.

The cost of this motion could be very, very considerable. It is interesting that the member for Etobicoke-Rexdale referred to some of his concerns about advertising in the ethnic press and the cost of this activity; yet his motion would involve very, very substantial cost, and not always with the greatest relevance to the groups involved. The cost could be considerable, although that is not the primary reason I would be opposed to this legislation.

In conclusion, I want to touch on the matter of multicultural initiatives. The member opposite referred to some by this government, some of his concerns in this area. I do not think there is any

area in which we can be any prouder than the multicultural initiatives that this government has taken. They are not just advertising, not just ceremonial; they are things like policing and things like the certification standards for professions and occupations that the member alluded to. This government has taken action, has taken positive steps to ensure that if a shop owner should happen to have qualifications to be a doctor, a lawyer, a carpenter, an electrician or whatever, he or she will have an opportunity to practise that craft or profession in this province.

I am very proud of the initiatives of this government, particularly in that area. I just wanted to make sure that the member was aware of those initiatives if perchance he had forgotten about them, even only temporarily.

**1620**

**Mr. Philip:** I am sure that all the Polish doctors who are trying to get certification in this province will appreciate the slogans of the member for St. Andrew-St. Patrick.

I find it interesting that Mr. Kanter is so concerned about the cost of this amendment. He says this is going to be too expensive, yet every day I walk down the corridor to room 247 and see the glasses clinking. He and Mr. Ruprecht, at least before he was demoted from minister, had as their main role bringing in one group after another and wining and dining them. Yet when it comes to dealing with something affecting their very livelihood, he is afraid that some amount of money might be spent to let them know what is going on.

I say to the member that he has some pretty strange standards. It is okay to wine and dine them and try to win the votes at taxpayers' expense in room 247, but when it comes to dealing with informing them about something that is substantial and affecting their lives, he does not want advertisements in their newspapers. That is the truth.

**Mr. Fleet:** That's a lot of nonsense.

**Mr. Philip:** The member for High Park-Swansea is again yelling his usual nonsensical comments. He does not want to stand up and debate this—

**Mr. Fleet:** I already did. I beat you when I stood up for 30 seconds.

**Mr. Philip:** He stood up for 30 seconds. That is the longest time he has been on his feet in this House since he was elected. I am sure his constituents will appreciate the fact that he stood on his feet for 30 seconds in this House.

The fact is that this affects people's lives; it affects their livelihood. The least they can do is be informed about major changes that are affecting whether they are going to be in business, whether they can feed their families, whether they are going to have a major attack on their standard of living or on their lifestyle. The member would rather have the taxpayers' money spent on cocktail parties in room 247 than on ads to tell these people exactly what is going on and what is going to affect their lives. I say that is shameful.

**Mr. Chairman:** I remind the member for Etobicoke-Rexdale, the parliamentary assistant and all other members of the unfailing parliamentary tradition not to refer to members by name but by their ridings.

**Mr. Sola:** I would first like to say that it is an underhanded tactic to attack the member for Parkdale in that fashion. If you put to a vote among the multicultural community the popularity of members in this House, the member for Parkdale would come out head and shoulders above all the rest of us put together. That is point one.

Interjections.

**Mr. Chairman:** Order. May we get back to the discussion on subsection 4(2)?

**Mr. Sola:** Once again, the member for Etobicoke-Rexdale shows that he does not know too much about what he is talking about. He mentions the ethnic press. He should have in mind that there are so many different forms of ethnic press that you could not possibly use the 30-day prepublishing law to encompass them all, because the ethnic press publishes daily, weekly, monthly, quarterly and yearly. There is ethnic press that deals strictly with local matters or strictly with matters occurring back home in the countries they left, and there is ethnic press that looks at matters throughout Canada. It does not matter where they are published, because they encompass the whole gamut of topics. How would you draft a law that could possibly encompass all of those?

**Mr. D. S. Cooke:** You did.

**Mr. Sola:** Well yes, that is right. Then three years later you would finally get to the public meeting that is supposed to decide this issue.

**Mr. Chairman:** The member will address his remarks through the Chairman, and other members will stop interjecting.

**Mr. Sola:** I do not mind their interjections now, because we have finally got to the point where we will come to an end in this debate.

Whether they use it or abuse it, the time will come when they will have to vote.

The other thing is, this motion shows that the opposition members are strictly relating to the Environment minister's recycling program: they reuse, they reclaim, they repeat—and whatever the fourth R is.

Interjections.

**Mr. Sola:** That is right. That is all they are doing. If you check their speeches, Mr. Chairman, the words they used on day one of this debate are the words they are using today.

They claim they listen. We have been sitting in committee and in this House for close to 70 days on this very topic. The only thing they have paid attention to in all this debate and in the delegations that have come before the committee is the first paragraph of each delegation. Each delegation came in and said, "We are against wide-open Sunday shopping." They equated that to Bill 113.

**Mr. D. S. Cooke:** And you're in favour of it; we know that.

**Mr. Chairman:** Order, please. One member at a time.

**Mr. Sola:** The next paragraph of each delegation stated what they wanted in the bill. What they wanted was easier enforcement of the rules, stricter enforcement of the rules, tougher fines and injunctive powers. This is contained in Bill 113, and those members opposite have never acknowledged that fact.

They have never acknowledged that fact because they have a very short attention span. They can listen to one paragraph or one sentence of each delegation, but they have never listened to the complete presentation of the delegations before us, because if they had, they would acknowledge the positive aspects of this bill.

**Mr. D. S. Cooke:** You do well just to listen to the first paragraph.

**Mr. Sola:** I listen to the whole thing.

**Mr. Chairman:** Order, please. The member for Etobicoke-Rexdale.

**Mr. Philip:** What we do know about the delegations is that 93.9 per cent of the delegations that appeared before the committee said, "Withdraw section 4 of the bill." That is what they said.

If they all said it—and there is only one way of saying "Withdraw the bill" or "We disagree with the bill"—then I do not blame them if they did not find a hundred different ways of saying the same thing. What is tragic is not how they said they wanted section 4 of the bill withdrawn; what is



tragic is that the Liberals refused to listen to them.

The member says I am using the same words in proposing this and other amendments as I used in the standing committee on administration of justice, but they are not my words. They are the words of the hundreds of people who appeared before the committee.

These amendments are not my amendments. I may have dotted the i's and crossed the t's and worked on the wording with legislative counsel, but these amendments that we in the New Democratic Party are proposing and indeed that my colleagues in the Conservative Party are proposing were not invented by the New Democrats; they were not invented by the Conservatives. They were invented by the people out there who came before the committee and said: "There are major problems in this bill. The worst problem is section 4, which should be withdrawn, but there are other problems throughout the bill."

If the Premier (Mr. Peterson) is too rigid to withdraw section 4, there are certain things we should do in it that will make it at least a little less painful than it is, a little less unworkable.

The amendment we are moving—and if the member for Mississauga East objects to the fact that there is an opposition party here in this Legislature and that we have a right to speak to all the members, not just the revolving-door members who were on the standing committee on administration of justice, who came in one day for one hearing and went out the next day—

1630

**An hon. member:** Turnstile.

**Mr. Philip:** The turnstile members on that committee.

If the fact we have a right to present our views and the views we have heard from the public to all members of the House is objectionable to him, if he objects to my speaking on television now to let all the people in Ontario realize what a fiasco his House leader was when his House leader got on TV and said we were moving nonsensical amendments, amendments proposed by the Roman Catholic Church, the Anglican Church, various women's groups, trade union groups and all the other groups that came before us, if that is objectionable to him, then I guess the democratic process is objectionable to the member for Mississauga East. I am sorry he finds it objectionable to live in a democratic process and be part of it.

But as long as I am elected, I am going to present the views of my constituents and of other

people in Ontario who make sense. They have asked for these amendments. They may be objectionable to the member and the Premier may use his large majority not to listen to the people and to force this down their throats, but at least as an opposition we will move the amendments in the limited amount of time the government has decided to allow this House to debate this.

That is why this amendment, which deals with the rights of minorities—coming from a group that speaks a language other than English, you would think the member for Mississauga East would have some sensitivity to this. I am sorry he has so little sensitivity to the members of his own community and the members of other communities in this province who may not have the background of speaking English or French as their mother tongue.

I happen to think they have a right to know what is going on and that is why we have moved this. I say money is much better spent doing something like that than running the cocktail parties the government runs week after week out there, inviting in the various representatives of the ethnic community to try to buy their votes.

**Mr. Runciman:** I want to indicate that we will be supporting the amendment. We have some questions with respect to the numbers that have been incorporated into it, but we agree with the principle and we agree with what the member is trying to accomplish in trying to deal with concerns in the ethnic community with respect to this legislation and the notification requirements set out in the bill.

The member for Mississauga East was making reference to comments made earlier by the member for Parkdale and indicated he was probably one of the most popular individuals in the government in terms of the ethnic community in the Metro area. That may well be the case, but in point of fact that did not cut any ice with the Premier. I think what the member for Etobicoke-Rexdale was mentioning with reference to—

**Mr. Smith:** Is that really relevant?

**Mr. Runciman:** I think it is relevant. The member for Mississauga East brought it forward. I think it has to be addressed. If the member for Parkdale is so significant a factor in terms of this government's dealings with the ethnic community, why was he dealt with in the way he was by the leader of the government? If he is held in such high respect in the ethnic community and was dealt with in the way he was, that is a slap in the face to the ethnic community in this province, a

slap in the face to the members of the ethnic community in Metro.

I cannot explain it in any other way. There is no justification for it, if what the member is telling us is true. If he is not telling us the truth, that is another story and we do not want to get into that.

The member for Mississauga East also mentioned that there have been something like 70 days of deliberations and hearings. That may be accurate, but I wonder how many hours of that 70 days of deliberations and hearings were attended by the Solicitor General, who again continues to be absent from this Legislature. I wonder how many hours she has attended. That would be an interesting statistic to have placed on the record. Perhaps we can look into that.

She has consistently avoided dealing with this piece of legislation. It goes back to the original announcement, when she was embarrassed if not humiliated by the Premier's announcement, when he failed to consult her and other members of his executive council, let alone his caucus—especially, I guess, the brown-nosed gang to my left. They were not consulted and they are frustrated. In any event, the brown-nosed gang used to be over in the right-hand corner, but they have now moved over here. In any event, they continue to be frustrated.

I know the Solicitor General has been embarrassed by this. She is going to continue to hear this for as long as she serves in that capacity. Two weeks before the Premier's announcement she said that throwing this into the court of the municipalities was the chicken way out. She said it. It is on the record. She cannot back away from that, but she has been reluctant to deal with it in this House. She has been avoiding dealing with this whole issue, this bad piece of legislation, by her failure to attend during the committee hearings process.

Again, what is indicative of her attitude and her approach is her continued absence here in the House when we are dealing with this legislation in committee of the whole. It is a shameful performance and one the government and the minister have little to be proud of.

**Mr. Pouliot:** It is rather difficult to sit idly by during an attempt at maligning my distinguished, soft-mannered and soft-spoken colleague the member for Etobicoke-Rexdale when he speaks such truth and, by way of an amendment, comes up with what is really a very logical proposal that need not be all that costly.

Yet the political scene does some strange things. I was appalled when the member for

Parkdale received what he thinks must have been a well-deserved ovation, after the fact, because I understand he is no longer a member of the cabinet.

I concur with the distinguished critic from the Conservatives in saying that he has done well with the ethnic population. He is indeed a popular figure with the different ethnic groups and his day is coming. Perhaps wisdom and vision will prevail and one more time he will have access to the cabinet with his commitment. I find it very difficult to resist the temptation to say that having been removed, he would not literally chain himself to his desk and refuse to move, because by the account of some people he was doing a very good job.

Back to what is being proposed, a simple proposal in respect of 5,000 people or more, a significant group indeed, people who are at times less fortunate than either the English or French in obtaining information from the government. They are very good at paying taxes. Most of them are members of the proverbial middle class, and heaven knows, they pay more than their fair share of taxes. They are the only people left in the progressive taxation system.

I do not want to talk about the fundamentals, Mr. Chairman. You shall and should rule me out of order if I cannot resist the temptation. Suffice it to say that what is being proposed is very workable. It is the least that people with a social conscience, people with a commitment to minorities would readily, you would think, acquiesce in. It speaks for itself.

I can understand that at this stage of this exercise the government does not have the courage to withdraw what is bad legislation, when almost everyone tells it to, including Cardinal Carter. Every religious group in Ontario has been unanimous. Ninety-three per cent of the presenters said to them that what is being done here is wrong. We are trying to lessen the pain. We are trying to make what is a bad bill, not acceptable but maybe a little more workable for their sake.

The handful of soldiers who are standing up as part of the minority, both the Conservatives—members of the third party—and the official opposition, are being accused of stalling tactics. I want to remind the members, as my predecessor has done, that we have a right to be here. This is as good as it gets.

We are not suggesting they go to New Brunswick. They have 94 members. We have 19 and the third party has 17. We are not asking that they follow our grade 11 or grade 13 student, nor



that they go to Harvard and get a degree in mathematics. We understand this. They do not have to suffer in silence. But the point is badly taken when they must get up and personally attack one of my colleagues for speaking the truth and for offering what is reasonable and workable.

**1640**

Mr. Chairman, you do not see me speak with emotion in this House, but I find it difficult not to be simply shocked by that. I see some of the members of the government party who from time to time are masters at synthetic indignation. Surely now is the time for those people to get up and see that in the last stages there is still a proverbial road to Damascus, that if they are intent on passing the bill the least they can do is to get the amendments, one by one, so that we will at least have a collective effort and common sense will prevail. It is a very small amendment, which I encourage. I know now that our chances of passing these amendments are much better than was previously said this afternoon.

**Mr. McCague:** It is very difficult, and in fact impossible for me to match the eloquence of the member for Lake Nipigon. However, I want to say a word to my good friend the member for Mississauga East. Since he came I have sat on several committees with him and I thought he was a reasonable type of chap, up until one comment he made a few moments ago.

The member for Mississauga East made the comment that the only thing the opposition members listened to was the first line of the submissions that were made to the committee. Obviously, the government members did not listen to the first line, because some 90 per cent of the people who came before them said they did not want this bill. Now it is up to the government to decide whether their reasons are right or whether their reasons are wrong, but obviously government members were not listening. They were not listening at every one of those committee meetings and they are not listening today. People just do not want it.

**Mr. Sola:** First, I would like to prove that this government does have the courage to withdraw bad legislation. I would like to read from page 1, paragraph 3, of the Report of the Ontario Progressive Conservative Task Force on Extended Shopping Hours, published April 18, 1986. This is what it says: "The widespread and flagrant violation of the Retail Business Holidays Act by numerous retailers, primarily in the Metropolitan Toronto area, and particularly on

Boxing Day, 1985, has brought to the fore the need for amending this statute."

That is what Bill 113 does. That proves we are withdrawing bad legislation and replacing it with good legislation.

Second, as far as listening is concerned, the opposition is constantly pointing out this huge Liberal majority. We outnumber them two and a half to one in this House. We outnumbered them two to one in the committee. If members check the transcripts of input in the committee and in the House, all the yacking has been done, or most of it, by the opposition side.

Nothing else was left to the government side except to listen, so we listened to the members, we listened to every delegation and we listened to the whole input of every delegation. We did not listen to just the negatives; we listened to the positives. The people said what they wanted in the bill and that is what is in the bill.

At this time, I would like to commend the member from South Porcupine. I think he spent only about a day on the committee, or maybe two, but it was his input that was probably one of the most important amendments to the bill. That is what I call the coercion clause, which gives the same penalty to somebody trying to coerce a business into opening illegally or a person into working illegally as to the business that opens illegally.

Therefore, a lot of the fears that were raised in the committee were allayed by that amendment. At this time, I would like to commend him because he sat in the committee, listened and tried to make the legislation better while other people just tried to prolong the process.

**Mr. Philip:** With regard to the member from South Porcupine, I am sure that if we had the real Pope here he would be against this legislation the same way Cardinal Carter is, the Anglican archdiocese is and so forth.

The member for Mississauga East states—or admitted, I guess—that the Liberal members said very little on the committee. That is true. They changed constantly. It was a revolving-door sort of number of members. When they were there, they spent so much time ducking the presentations that were being given attacking the bill that they did not have words to shoot back at them, with the exception of course of the member for Ottawa West (Mr. Chiarelli). We always like to see him speak because he can irritate more of the population of Ontario and get us more votes than anything we could possibly do as an opposition party. But here is how they listened, and here is what the delegations said on section 4 of the bill.

If we eliminate the 50 or so representations that just dealt with specific individual concerns related to their businesses, mainly the drug-stores, and just count those people who addressed themselves to the main principle of this bill, section 4 of the bill, these are the figures. They are not my figures, but the figures I asked the researcher for the justice committee to put together. They come out like this: 402 were against section 4 of the bill.

The Liberals were able to find a few poor souls. They had to get parliamentary assistants or some other people like that to come in, but even with that they had only 26 in favour. My mathematics—you do not need to be chairman of the standing committee on public accounts to be able to operate a calculator—show that works out to 93.9 per cent of the presentations opposed to section 4 of the bill, the section we are dealing with now.

They were not only not in favour of section 4 of the bill, but they said, "If you're going to go ahead with it, then there are certain things we want." If the member for Mississauga East had done his homework the way I have and the way the researcher for the committee has, and put together a breakdown of what the different delegations said, he would see that the amendments we are proposing are based in most cases not just on one or two presentations, but on numerous presentations from different groups: trade union groups, business groups and so forth. This is what the public out there is asking for with regard to this bill.

The member for Mississauga East says the Liberal members did not say much. It is obvious they did not say much. It appears they also did not listen very much because they intend to go directly contrary to what the public told them.

He said earlier—I meant to respond to this earlier but it just twiggged my memory now—that somehow this amendment is impractical because it will mean that some paper somewhere, in some other area, published once a month, will have to carry an ad. If he reads the amendment it says "a local newspaper publishes in that language."

We are talking about regional municipalities. We are talking only about those municipalities that have 5,000 or more of a particular group of people who speak a language other than the official languages. We are saying that where a local paper is published, the ad should appear to inform them of these major changes that are affecting their livelihood. It does not mean that you are going to have a publication in a Punjabi-language newspaper published in Van-

couver in order to take care of the people in Mississauga East, or if the Peel region wanted a major amendment.

What it means is that the Punjabi newspaper in that area, servicing those local people in that regional municipality, would carry an ad so that those people would know. He either has not read this amendment or if he has he is simply raising a bunch of red herrings that do not apply.

1650

**Mr. Chairman:** Before we proceed with the next speaker, may I invite all members to try to stay on topic as much as possible. I am glad the member for Etobicoke-Rexdale came back to the topic. We are very pressed for a deadline. The invitation is to all members of the House so we can best utilize the time we have available.

**Mr. J. M. Johnson:** I have just one question, if it is in order, to the parliamentary assistant to the Solicitor General, the member for St. Andrew-St. Patrick. Does he intend to accept any opposition amendments: yes or no?

**Mr. Kanter:** We do not know at this point, quite frankly, what amendments the opposition members are going to propose. I think almost all of the amendments which have been proposed so far were discussed and debated in committee and many of the arguments have already been heard. Certainly, if either opposition party has either any new amendments or new evidence or arguments for amendments formerly moved, we will be pleased to consider them.

I see the allegedly soft-spoken member for Etobicoke-Rexdale rising. I am not sure if he is rising on a point of order. Perhaps he is going to charge the colleague who accused him of being soft-spoken and mild-mannered with character assassination.

I do not know if he is moving to present some new motions, but of course we are certainly prepared to consider any amendments, particularly new proposals or proposals for which there is new evidence or new arguments.

**Mr. Harris:** I am intrigued by the comments of the parliamentary assistant. I recognize that other legislative duties did not allow me to be here all afternoon, so I have not heard what reason the parliamentary assistant has given as to the difficulty he has with this particular amendment, the one that is before us.

To try to stay on topic, in spite of the situation in which we find ourselves of being under the time allocation motion, while the parliamentary assistant indicates he is interested and would be delighted to hear any new amendments, we do



recognize that the government House leader has said, "We don't plan to listen or think for very long on them, because you have two days to do two major bills with two different ministers and that, quite frankly, is it, whether you like it or not."

How seriously the government is going to consider amendments is severely jeopardized by the actions of the House leader, and I assume that has been a cabinet decision. I doubt that the House leader went off on his own and said: "Let's jam it down these guys' throats. Let's jam it down the throats of 93 per cent of the people who came to speak to us. We don't intend to listen any more." Many of us question whether the government listened at all.

With respect to comments from the member for Mississauga East, I would only suggest that a number of the Liberal backbenchers may have heard a number of presentations that a number of my colleagues in my party and in the New Democratic Party made. Obviously, actions suggest they did not listen, or if they listened they chose to ignore. There is listening and listening.

The specific amendment: I guess it distresses me that the member for Etobicoke-Rexdale feels it necessary to bring forward this amendment and yet I agree with him it is necessary to focus and highlight the reason for this particular amendment.

I would like to think that this government, whoever is in government at whatever stage of time, would want to have advertisements placed in the most appropriate medium for the public to know about the meetings. There are ridings such as that of the member for Cochrane South (Mr. Pope)—although South Porcupine is in his riding, I do not think that is the actual riding name—where some 60 per cent of his constituents' mother tongue is French.

There are, indeed, areas of this province such as Moosonee where the mother tongue of the majority of the population would be one of the native tongues. The Minister of Northern Development (Mr. Fontaine) will know; I believe it is Cree.

I am really surprised that the government would not want to make sure that on something this significant, that is going to affect people's lives as much as this permissive piece of legislation is going to do, it would not want, indeed, to make sure that something was in here. I would like to think that if there were 1,000 or 2,000 people who substantially spoke and understood a language other than English, and a paper of their ethnic tongue was available, the

government would want to ensure that an advertisement was placed in that medium as well.

I understand that Liberal members voted against this once. The parliamentary assistant probably recommended to his sheep that they all stand up and vote against it. If it was just the government doing this—but we are directing municipalities that they must do something—I would not think it has to pass an amendment to tell itself to do the right thing. I would like to think that if it was the government asking for input or giving notice of a meeting or a hearing, it would indeed do this as a matter of course.

In fact, some of us have questioned the voluminous increase in advertising in which this government has engaged, in a number of media, including the ethnic media, since it took office. I think that is where the member for Etobicoke-Rexdale is indicating this amendment comes from in his specific area. As a government, it has substantially increased advertising in those newspapers, as well as substantially increasing it in the other dailies, English-language and French-language television and radio stations and whatnot.

First, this particular amendment now ensures that municipalities must do this. I am supportive of the amendment. I would appreciate, if the parliamentary assistant thinks municipalities should not do this, that he stand up and say so. Maybe 5,000 is too many. Maybe it should be 3,000. But 5,000 in this type of amendment does not preclude municipalities from placing those types of advertisements if in fact there are only 2,000 or 3,000. It ensures that at least they will do it with this minimum requirement.

Second, it will also force municipalities to stop and think about the mother tongue of those people within the jurisdictions that they are covering, and in fact they may want to go ahead. The government is going to require them to spend a substantial amount of money advertising, and the little bit extra—in fact, if it were me and I had a \$2,000 budget to do this I might cut down the \$2,000 ad I was going to place in the mainstream paper, make that \$1,800 let's say, and \$200 would go in the other. I do not think it has to cost more money, but it will at least force municipalities to think and to treat this matter seriously and to treat it that way.

#### 1700

I would ask the parliamentary assistant to reconsider the initial rejection of this particular amendment. Sure, we do not like section 4. We do not like the whole bill but we are indeed trying

to be constructive with what we think is a wrong-direction piece of legislation, particularly with section 4. Even those who are in favour of wide-open Sunday shopping came to the caucuses and came to the committee and said, "We don't like section 4." Those who support Sunday shopping said, "We don't like section 4." Those who are against Sunday shopping said, "We don't like section 4."

I understand his Premier's and his party's desire to constantly be with the people. On the other hand, being in government necessitates making decisions at some time. Some of those decisions are consensus decisions; with some of those decisions you have to go one way or the other. In this case, they have pedalled forwards and backwards and sideways and all across this province to avoid having to make a decision and they have sloughed it off to the municipalities.

This amendment is one of those that says, "We think it's wrong you're doing that, but if you're going to do that let's be fair to the people involved in those municipalities." I suggest to the parliamentary assistant that he could do it on his own right here and win some support from the minister he represents and from his caucus and cabinet colleagues: "Doggone it, that Kanter he listened. It makes some sense. I think the opposition did present some fruitful arguments as to why this amendment ought not to cost any more money, ought not to change the intent of what we want to do with section 4, but indeed will cause municipalities to pause and think, place the advertisement if this criterion applies, and indeed think about even if this criterion does not apply."

**The Deputy Chairman:** Is there any other member who wishes to participate?

**Mr. Harris:** Mr. Chairman, I wonder if the parliamentary assistant is interested at all in responding to the comments I made. I am assuming no response means, "I disagree with everything you've said." If that is indeed it, he should stand up and have the courage to say it.

**Mr. Kanter:** I did comment at some length on this provision and I can appreciate that the House leader of the third party was not able to hear my remarks. I am sure he had other pressing parliamentary business at the time.

It is interesting to hear the member talk about consistency, because the underpinning for this amendment, if you will, clauses 4(2)(a), (b) and (c) is the procedural code: the holding of a public meeting, the publication of notice and permitting any person who attends the public meeting the opportunity to make representations. The publi-

cation of notice in a newspaper is a very important provision, a very important part of that code. I would advise the House leader for the third party that the sole representative of his party who attended the committee at the time, the member for London North, voted against the provision to require public notice, advertising in newspapers. It is interesting to listen to members of both opposition parties. Now they want to attach so many bells and whistles to this provision, yet both parties opposed this basic code of procedure. That I find rather surprising.

I am sorry the member for Leeds-Grenville is not here at this time to hear my comments, because he spoke quite sensitively, movingly and sympathetically to the needs of various ethnic groups addressed in this motion which is put by members of the official opposition.

I was not a member of this chamber at the time, but it is my recollection that he was perhaps not quite so sensitive when the House was debating Bill 8, the French Language Services Act. I would suggest that there is perhaps a certain degree of inconsistency, some might even call it hypocrisy, in the position of the third party.

I was a member of a municipal council. I do not know whether the member for Nipissing (Mr. Harris) had that opportunity, but I can assure him that the local council I was a member of was very sensitive to the needs of our local community. We routinely sent out information in four or five languages. I attended many meetings where there was simultaneous translation from English into Chinese or Italian or Greek or Portuguese. With the greatest of respect, I would expect that the local municipalities in his area, such as North Bay or other municipalities, would have the same sensitivity to their local communities.

I would suggest further that his municipal council in North Bay would have more sensitivity than this motion would allow. It may well be that there are new groups moving into or out of the area subsequent to the census. It may well be that there are groups that are smaller than 10 per cent of the population, less than 5,000 souls, which have a major interest in the retail business in his municipality.

It has been my limited experience as a municipal councillor that people who are on municipal councils are pretty sensitive to this kind of thing, and I would remind him that what we have set out, which his party opposed, is a minimum code of procedure that any municipality is welcome to add to, should it be appropriate. We would expect municipalities to add to it where it is appropriate. We do not want to require



it where it might be uncalled for, where it might be impractical, where it might simply not make any sense.

**Mr. Runciman:** On a point of personal privilege, Mr. Chairman: I was not in the House, but I did hear the comments made by the parliamentary assistant in respect to myself and Bill 8.

**Mr. D. S. Cooke:** You sound out of breath.

**Mr. Runciman:** Yes, I am out of breath. I am not in very good shape. I just heard a comment about sleaze factor, and I think that is a very appropriate description of the comments made by the member for St. Andrew-St. Patrick. He certainly, as usual, did not know what the devil he was talking about. There was no accuracy to what he said. It is the sort of thing that we bumped into in this House with his leader when he made similar references when I talked about him wining and dining at the Chilean consulate at the same time as talking about human rights.

I just want to put on the record that the member for Etobicoke-Rexdale and other members of this House who have been around for some time respect my concern about human rights. I chaired the select committee on the Ombudsman and dealt with human rights abuses throughout the world and how this Legislature could deal with them. I personally am offended by the kind of slur suggested by the parliamentary assistant to the Solicitor-General. It was a totally unacceptable comment. He does not know what he is talking about, as usual.

**The Deputy Chairman:** Can I just interject here a warning to us all that we should not be making allegations against each other and imputing faults or unavowed motives to one another. It would be helpful if all members terminated the ad hominem arguments and addressed themselves to the issues. I would like to know if there are any other participants in the debate.

**Mr. Philip:** I have one last comment before the vote is taken. I am sorry, Mr. Harris wanted to—I would like to make a summation on my amendment after we have heard the debate.

**Mr. Harris:** Very briefly, I say to the parliamentary assistant that we do not particularly appreciate nor respect the inappropriateness of some of the comments that he has made. Probably that is why he is no further than he is right now and it is probably a good indication of where he is going within the party.

1710

**Mr. Chiarelli:** You said last week he was going to cabinet. Make up your mind.

**Mr. Harris:** As of last week, he may have been. Obviously, there is a side of the member that I am sure, when it is reviewed by those people who make decisions, who want to put people with the proper sensitivity into positions of responsibility, they will not particularly respect.

I want to say this, though, on the member's comments with regard to this amendment. He indicated that my party was not in favour and in fact voted against this amendment; at least he seems to want to imply that. My party did not vote against the amendment we are dealing with. I have indicated to the member—

Interjection.

**Mr. Harris:** I have it right here, moved by Mr. Philip, "I move that subsection 4(1a) of the act, as set out in the bill, be amended by adding thereto the following clause: '(d) shall, if the most recent federal census indicates...,'" etc. Is this the amendment we are dealing with? That amendment was lost on the following division—this is the official record of October 17, 1988: ayes, Cunningham, Hampton and Philip; nays, the seals.

Let me say that I acknowledged all along that we disagree with this bill, we disagree with section 4, we disagree with what the government is doing; but it has not prevented us, once the government has bulldozed and carried the day on what it wanted in subsections 4(1a), (1b) and (1c), from trying to improve on that with which we disagree. That is the purpose of amendments; that is the purpose of the committee of the whole; that is the purpose of a responsible opposition.

Indeed, we may have disagreed with the way the government was proceeding, and we did. Once the government has taken that unfortunate misdirection as to the way it is going to proceed, we are attempting through this amendment to ensure that it does that which we disagree with in a fair, sensitive and balanced way. I think the parliamentary assistant wanted to leave the mistaken impression that we at one time voted against the specific amendment that I am addressing and now have changed our position. Clearly, we did not; clearly, we have supported this amendment and we are supporting it again today.

**Mr. Philip:** With the greatest respect to the previous speaker, I would like to say in summary that, as someone who has worked closely with the Toronto Humane Society over the years and studied a good many reports by zoologists and

biologists, I strongly object to equating seals with members of the Liberal Party. My study of biology and zoology indicates that seals are highly intelligent, highly individualistic, have individual personalities and indeed can think for themselves. That is more than the members of the Liberal Party have when they vote en bloc according to the wishes of the Attorney General and the Premier.

**Mr. Chiarelli:** Where was your leader yesterday? He didn't vote.

**Mr. Philip:** Since the member for Ottawa West, who always does more for the opposition than the opposition does for the opposition, asks, our leader happened to be in northern Ontario yesterday, dealing with important health care issues which this Liberal government has not been dealing with. I am sure the people in northern Ontario appreciate that.

What we have here is simply an amendment that shows some sensitivity to those people who speak languages other than English and French. What we have here is a recognition that when many of them come to this country, they enter into business and have a right to be informed when local governments or provincial governments are making changes that will dramatically affect their livelihood and their lifestyle.

Perhaps the Liberals might consider that this was more worth while than spending the hundreds of thousands of dollars they do on cocktail parties entertaining people in the various new Canadian communities.

Interjections.

**The Deputy Chairman:** Order, please.

Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Vote stacked.

**The Deputy Chairman:** Mr. Philip moves that subsection 4(8) of the act, as set out in the bill, be struck out and the following substituted therefor:

"(8) If the council adopts a plan, it shall ensure that the plan is made available to the public by publishing it in three consecutive issues of a newspaper having general circulation in the municipality."

**Mr. Philip:** This is parallel or complementary to the amendment that the Liberal just voted against. It is simply based on the principle that if you are going to dramatically change people's

lives, if you are going to dramatically affect them, they have a right to know.

Indeed, a report that was tabled in this Legislature not so long ago but which the government has not yet seen fit either to adopt or even to bring forward for debate, dealing with regulations, has that very principle. People who are operating businesses, or citizens, have a right to know when the government is planning on making changes that will dramatically affect them. That was the major thrust of the report turned out by a committee of this Legislature, of which the majority of the members happened to be in the Liberal Party, namely, the standing committee on regulations and private bills.

This is the same principle. It is simply saying, "Fine, if the intent of what you want to do is to give all the authority to the municipalities, then at least make sure that members of the public know what they are doing so that they can voice their views and have their concerns heard by that municipality."

1720

**Mr. Kanter:** Just very briefly, Mr. Chairman, this provision relates to subsection 4(7) and subsection 4(8). Subsection 4(7) is the provision that we discussed previously, whereby a council may now establish a plan setting out criteria for Sunday closings or Sunday openings.

I would like to draw the attention of all members of this chamber to subsection 4(8), which reads as follows: "If the council adopts a plan, it shall ensure that the plan is made available to the public by publishing it in a newspaper having general circulation in the municipality."

We feel that these two provisions, taken together with, as a complement to the code of procedure, the publication, the notice and the representation that people will have if they want to speak to specific changes, actual changes that will be made, provide a much higher degree of participation, involvement and public accountability than were present previously. We will be supporting the bill, as amended, but not supporting the amendment by the member for Etobicoke-Rexdale.

**Mr. Philip:** First, we have the absurd situation that the government is saying to the municipality, "We are giving you the authority, but you do not have to have a plan." Now they are saying that even if the municipality chooses to have a plan—and that is why the subsection says, "If the council adopts a plan..." with "if" in the wording—even if the municipality decides to have a plan, it does not have to let anybody know



about it. If that is not Disneyland at its most absurd limit, then I do not know what is.

It is no wonder then that a lot of the people out there are very suspicious that what the government really wants is wide-open Sunday shopping, so they produce the weakest law you can possibly have, and make sure that nobody knows about the changes that are going to take place, so that there is nothing in place to ensure that they will at least know before changes are taking place. They do not require any kind of guidelines or criteria, so they are going to make decisions on those changes and then not let anybody know about it.

That is what the Liberals would like. They would like this issue to go away and for nobody out there to know exactly what is taking place. That is undemocratic. It is perfectly in keeping with the authoritarian nature of this government.

**The Deputy Chairman:** Other participants? That is rather peculiar. There is lots of chatter until it is time to speak within the rules.

All those in favour of Mr. Philip's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Philip:** I have another amendment, which to make it perfectly clear, will probably mean that I am trying to add a new section 4a. Then, of course, the bill would be renumbered.

**The Deputy Chairman:** Mr. Philip moves that section 4 of the bill be amended by adding thereto the following as a section of the act:

"4a(1) If the council of a municipality passes a bylaw under subsection 4(1), the council shall give notice of the bylaw within 15 days after it is passed and of the procedure for appealing it by,

"(a) publishing the notice in a newspaper with general circulation in the municipality; and

"(b) sending the notice to every person who has requested notification respecting the bylaw.

"(2) Any person may, not later than 35 days after a bylaw is passed, appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the bylaw and the reasons in support of the objection.

"(3) Upon receipt of a notice of appeal, the clerk of a municipality shall compile a record and forward the notice of appeal and the record to the secretary of the board and shall provide such information or material as the board may require in respect of the appeal.

"(4) The board shall hold a hearing and shall give any interested person an opportunity to make representations in respect of a bylaw.

"(5) The board may allow or dismiss an appeal and confirm, repeal or amend a bylaw.

"(6) A decision by the board under subsection (5) is final.

"(7) A bylaw that is appealed does not come into force until the board has decided all appeals of the bylaw or until the appeals are withdrawn."

**Mr. Philip:** If members go through the Municipal Act or indeed other acts affecting municipalities, as the member for Etobicoke-Lakeshore (Mrs. Grier) would gladly share with them as a person who has served on a council very effectively for many years, some of the most insignificant things—not insignificant to the people who are asking for them but in terms of the effect on the lives of a number of people—can be appealed to the Ontario Municipal Board. The reason an independent nonpartisan body is there is to allow for a full hearing into whether the municipality or a committee of the municipality has operated in a legal and nonprejudicial way.

Here we have an attempt by the Liberal government to give to the municipalities an area which, first, they have not asked for and indeed have asked not to have and, second, an area that will certainly affect a lot more people than a majority of the matters which can now be appealed to the Ontario Municipal Board.

We have heard brief after brief that said: "If you're going to give up your responsibility as a government to the municipalities, then at least there should be some appeal mechanism if there is injustice or if there is a perception of injustice done."

All that this does is set up a mechanism for an appeal. As late as last week, members of the House would have received a memorandum from the Ontario Convenience Stores Association, I believe it was. It said a major flaw in the bill is that there is no impartial appeal mechanism involved. You can appeal, at least you could until recently, to an independent body the fact that the fellow down the road or in the next county has obtained a dumptruck licence, but if you have a million-dollar business that may be wiped out because of the action of a municipality, you cannot appeal it.

I say that all this does is build in some semblance of fairness, something that is built into numerous other acts this government has yet to rescind, which other governments over the period of the previous governments have upheld. I say to the members opposite that if they want to

create any kind of act that has even the appearance of fairness, they will accept this amendment.

1730

**Mr. Kanter:** I first remind all members of the House that the power to regulate store hours during the week is now part of the power that municipalities have. It is not subject to appeal to the Ontario Municipal Board, nor have I heard any call that it should be. The power to determine local Sunday shopping options, which has been exercised by over 120 municipalities in Ontario, again has not in the past been subject to appeal to the OMB.

Second, I think there is some question whether the OMB is suited to this task. We heard a lot of evidence before the committee about the varying, diverse nature of some local communities that had winter tourism or summer tourism or a multicultural nature. I think it would be difficult to argue that members of the OMB are as familiar as are elected members of local councils.

Third, the OMB is already charged with very important work, very important tasks: planning decisions that very often include the approval of housing, a subject that has occupied a great deal of time in this House and is a very high priority matter, something I do not believe any member of this House would want to clog or delay in any manner, whether it was intentional or unintentional.

For those reasons, it is our view that the local councils are the people best able to decide these matters. The elected local officials are best able to make these decisions and there should not be an appeal to the OMB. Therefore, we will not be supporting this motion.

**Mr. Hampton:** It is interesting to hear the comments of the parliamentary assistant to the Solicitor General, the member for St. Andrew-St. Patrick. A while ago, he was saying that the government worked so hard to tighten up this act, to tighten up the perceived abuses, to tighten up what might be perceived problems.

Here we offer the government an opportunity to tighten up the situation that municipalities asked to have tightened up. Municipalities said to the committee, "Look, if you're going to throw this on our plate, despite the fact we do not want it, please let there be an appeal mechanism." Not only did municipalities say that, but organizations all across the province said, "Please, let there be an appeal mechanism, so that if a situation arises whereby you have a powerful interest group that is able to get its way despite the wishes of the large percentage of the

community on a given issue with municipal council, we will at least have an appeal mechanism." That is what they asked for.

It is a legitimate request. This is not a statement designed in any way to derogate or criticize the work of municipal councils. We need only look at the way municipal councils may change over a three-year period or six-year period. Metropolitan Toronto is an example. Most observers in the media have said that Metro council in Toronto has switched very quickly in the space of one election from being a pro-development council to being more of a pro-community council and to looking at community concerns more closely than development concerns.

It is very easy to see where the opposite may happen. Communities are simply saying: "Look, don't put us in the kind of situation where, because a certain municipal council has been elected and the development industry or the pro-Sunday shopping group suddenly has its ear, we have nothing more that we can say. Give us an avenue of appeal."

Again, the government should make sure that if it is going to do this process, if it is going to throw this kind of thing on a municipal government's plate, even though they don't want it, then it should give us an avenue of appeal so that when it is done, it won't be a one-shot affair. We will have an opportunity to appeal and go beyond whatever the decision or whatever the whim of the municipal council at that time may have been.

I find it, to use the words of the government House leader, passing strange indeed that the parliamentary assistant to the Solicitor General will talk on the one hand about, "We're going to tighten the act up," and yet on one of the ways municipal councils and other groups asked to have it tightened up, the government wants to remain silent. We say from this side of the House that if the government insists on doing this, if it is going to be bloody-minded about it and insist on doing it, for God's sake, it should do it right.

**Mr. Runciman:** The parliamentary assistant, who stood up to speak to this amendment in the continued absence of the Solicitor General, made reference to the heavy workload of the Ontario Municipal Board and its ongoing responsibilities with respect to housing developments in this province, and that is a legitimate point to be made.

I think the points being made on this side of the House with respect to providing an appeal mechanism are also quite legitimate and have not received the consideration they merit by the



government members of the standing committee on administration of justice or, obviously, by the members in this assembly on the governing side of the House.

I want to say that my colleagues who served on the justice committee, the member for London North and the member for Durham East (Mr. Cureatz), tabled amendments that would provide an alternative for the government to utilizing the Ontario Municipal Board as a court of appeal in questions like this. This was a board known, in their amendment and proposal, as the Retail Business Holidays Exemption Board, the Rex board. That amendment would provide a workable process that would combine portions of the current act with what we in this party believe is a democratic and simple way for the province to control the exemption process.

Under the scheme submitted by the two members of this party, we would see the municipalities being allowed to apply for exemptions to this provincially appointed body with fewer than five permanent members. Members would include representatives from retail, tourism, labour, municipal, religious and other concerned sectors.

The amendment we put forward, which was not supported by members of the Liberal Party, would give affected organizations a very real chance to participate in public hearings and provide municipalities with an appeal process to cabinet. That is in the event they are unhappy with the board's ruling on their individual applications.

Those amendments put forward clearly indicated that unlike the Solicitor General and her parliamentary assistant, Conservatives and the official opposition have been listening to the public. We believe the province still can and should control the Sunday shopping issue.

**Mr. Philip:** I appreciate the well-thought-out comments of the previous speaker. I believe he has had municipal experience. That shows in his concern.

I was in Sudbury on Friday and a number of the merchants expressed to me their concern that there be an appeal to the Ontario Municipal Board. They talked about their experience with certain councillors who, I believe, even though they are members of this House, have not even seen fit to speak on this bill and share their experience. I understand some fairly capricious and unfair decisions were made by members of that council, which may explain why the member for Sudbury (Mr. Campbell) is so silent on this bill and indeed on this amendment.

## 1740

With the select committee on retail store hours that was set up by the Premier at a cost of some \$90,000 to the taxpayers of Ontario, it is generally known that the Premier has broken his promise on the first two recommendations: the one that says, "In exercising its administrative responsibilities, the Ontario government should formulate the general framework and policy standards for the operation of the Retail Business Holidays Act"—in other words, not abdicate its responsibility—and also, "The primary responsibility for the administration of the Retail Business Holidays Act, or other legislation relating to" Sunday holidays should remain with the provincial government.

Those are the first two recommendations. It is generally recognized those were violated by the Premier, as was his endorsement of the guiding principle, which is just above that, namely, that the committee supported the principle of a common pause day in Ontario. What is not generally known, I think, by the public and by the media in their view of the Premier and the Liberal government breaking its promise is that in voting against this, the Liberals are also breaking a promise, the promise in that select committee report which is item 4, "The Ontario Municipal Board should be designated within the Retail Business Holidays Act as the appeal body in connection with municipal decisions exercised under this act."

The chief argument the Solicitor General uses in bringing down this legislation is that there were problems with the municipalities. The municipalities were, according to her, abusing the tourist exemption. This report suggests there should be an appeal mechanism. This is one way of dealing with the so-called abuses.

The minister is not able to spell out which municipalities are abusing it. She was asked for a list of the municipalities by the Association of Municipalities of Ontario. She could not provide the list. She still has not provided the list. She still has not told us where the major abuses are, but she says there were abuses by different municipalities. Surely, if there are abuses, one way of dealing with the problem of abuses is, first, setting out some general standards or guidelines, which this government has just indicated it is going to defeat, and second, at least allowing an appeal process, an objective, independent body to appeal to.

For the parliamentary assistant to the always absent minister on this bill to say that the present store hours decisions of the municipalities are not

appealable to the Ontario Municipal Board is to ignore the fact that we have a select committee, signed by the Solicitor General when she was not Solicitor General, that says yes, there is a problem there and one of the ways to solve the problem is to have an appeal to the Ontario Municipal Board.

The Liberals like to have it both ways. They argue one thing when it suits them and then they argue something completely different when it suits them. It is unfortunate the Solicitor General, who has not seen fit to be at most of the hearings, signed this report recommending one thing. Now her deputy is in the House contradicting what she originally put her signature to. No wonder people do not trust the Liberals. No wonder they say one thing one day and do exactly the opposite next. They shake your hand before the election and they shake your confidence after the election.

We had representation. The New Democrats, and a similar type of amendment that is proposed by the Conservatives, say: "We did listen to what the public said. We listened to what the municipalities said."

Only recently, as late as February 1, 1989, the Ontario Working Group on Sunday Shopping Policy once again wrote to the Premier and the cabinet and said, "If you are determined to put through this silly legislation, at least make some changes." One of the changes that it recommended was that appeals in connection with municipal decisions be allowed to the Ontario Municipal Board. That is what they said.

Do members know what the Premier did? Absolutely nothing. He did not even acknowledge their last letter. They have asked for a meeting with him on three occasions. He has refused to meet with them.

It is bad enough that the Solicitor General is hiding from the public by not being present in the hearings and by not being present here today in our debate on her bill.

**Mr. Pouliot:** She is embarrassed.

**Mr. Philip:** I know she is embarrassed. She wrote one thing six months ago or a year ago and signed her name to it and is now recommending something different today. It is another thing for the Premier to refuse to even meet with people who are representing the interests of some four million people in this riding. Maybe this coalition does not buy the \$1,000 tickets that seem to be required in order to get the Premier's attention.

**Mr. Sola:** I would like to answer the question about the continued absence of the Solicitor

General. I think it just shows how much confidence she has in her parliamentary assistant. Confidence, I would like to point out, that is shared by all of us on this side of the House.

Second, there is the question of no participation from government backbenchers. I would like to tell the opposition members one thing. When it was our time that was being abused, we had no interest in helping the opposition filibuster our own legislation. Now that it is their time that is being used, we are very open to participating, as they can see by my participation today. When it was our time that was being used and abused, we let those guys work themselves to death. Now that it is their time, we are participating.

When we come to the select committee on retail store hours, it is quite interesting that the member happens to point to the one recommendation we did not accept and he overlooks the three that we did accept. The committee recommended that the provincial government be responsible for the administration of a provincial framework. It recommended that the provincial government should set a provincial framework and it recommended that the municipal option should be retained. If the member would notice, all three recommendations are contained in Bill 113, therefore I would think it would be nice if the member showed the complete truth, not just one small portion of it.

**Mr. Pouliot:** Just briefly, the member for Mississauga East provides the House with ample proof of why the minister should really be here. Few bills in the short time—almost four years—that I have been here have got the public's attention. When we are talking about Bills 113 and 114, we are talking about the very essence of culture and of the marketplace in Ontario.

It is a very important piece of legislation. I can understand, of course, the embarrassment of a government front-bencher for not wanting to appear. I think that is a normal reaction, but surely when we talk at this stage of due process, about important amendments supported by two of the three parties in the House and also supported by over 90 per cent of presenters and by the population of Ontario, in terms of ethics, in terms of parliamentary democracy, in terms of if the government means what it says, it at least would bring forward knowledge, would address those amendments with substance as opposed to listening, and I choose my words very carefully, to what are really simple platitudes.



The absence portrays lack of respect for the two opposition parties and, more important, lack of consideration for the amendments that we have collectively and individually worked so hard on to make what is a bad piece of legislation much better. We are talking here about salvaging a proposal that is cast in stone by reason and by virtue of what the government sees as a political process. Once more, I am appalled. If the government takes its duties seriously, when we are talking about the last stages of due process and also talking about Sunday working, it seems to me that if I were a minister, I could not wait for the doors to open. I would be here and I would stay here from morning until night, until due process is completed.

The member for Mississauga East should not direct his comments at the opposition; he should write a discreet note to the Solicitor General and say, "Be at your post to defend your action one more time." It is regrettable—but, more important, the people of Ontario feel somewhat betrayed—that as this bill, this ill-timed piece of legislation reaches its normal crescendo, the minister is not even here to debate the amendments proposed by both the Conservatives and the official opposition. It is a sad day for Ontarians.

**The Deputy Speaker:** Are there any other participants? I will therefore put the question.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**The Deputy Chairman:** There being no further amendments on section 4—

**Mr. Philip:** I am sorry, Mr. Chairman. We do have a further amendment. As an introduction to the further amendment, I would like to ask the parliamentary assistant to the minister a couple of questions. He has heard over and over again from the testimony, since we are in committee of the whole House on section 4, that this legislation will in fact be very damaging to small business. He also argues that you need a certain flexibility built into the system.

I would ask him, in the light of all this, why he would not choose to at least look at the Manitoba solution and, if he is going to allow municipalities to loosen the store hours for Sunday, to restrict the number of employees. Members will notice that he has not done this in this section of the bill or elsewhere in the act. Maybe he would like to comment on the Manitoba legislation. It

seems to be working there. Why is he not prepared to look at that solution here?

**The Deputy Chairman:** The parliamentary assistant.

**Mr. Kanter:** I am in your hands, Mr. Chairman. My understanding of the procedure at this time is that we are essentially considering specific amendments to the Legislation. Certainly, if the member wishes to frame an amendment along those lines, we will consider it. That was my understanding. If there is a procedure for asking general questions, I am quite willing to comply.

**The Deputy Chairman:** The member for Etobicoke-Rexdale has asked a question related to section 4, which we were just about to leave. The question is in order and you may respond.

**Mr. Kanter:** We have had some experience with a limitation on employees. That provision, with respect to drugstores and pharmacies, was found in what I believe was section 3 of the bill, and proved very difficult for police forces to enforce. It was quite often disregarded and it is our view, based on the experience of retailing in Ontario, that a restriction on the number of employees is not effective and not enforceable.

**Mr. Philip:** I guess I am dealing with clause 4(5)(b), (6)(b).

**Hon. Mr. Conway:** Just pretend you are Mr. Braeugh; say it is standing order 22b.

**Mr. Philip:** I am quite capable of reading the bill. I am more capable of reading this bill than the government House leader was capable of reading the TelePrompter the other night when he tried to give his most outlandish defence of the actions he has brought forward to force on the people of Ontario.

When I watched the government House leader reading that and almost gagging on what he was seeing coming across that TelePrompter, I happened to have been with, of all things, a Liberal. There are a few Liberals left in Etobicoke-Rexdale; not very many, mind you, but—

**Hon. Mr. Conway:** Were you at a landlord's meeting?

**Mr. Philip:** —well, I did have a landslide. What did he say?

**Mr. Pouliot:** At a landlord's meeting; that is unfair.

**Mr. Philip:** Maybe considering the actions of the Minister of Housing (Ms. Hošek) today, when she chose the landlords and the developers over the tenants who in Etobicoke-Rexdale are

being evicted, because she refuses to put forward the amendment she promised a year and a half ago—

**Hon. Mr. Conway:** I know nothing of being a landlord. I defer to the member for Etobicoke-Rexdale.

**Mr. Breagh:** Oh yes, you do.

**Mr. Deputy Chairman:** Does the member for Etobicoke-Rexdale have a further question?

**Mr. Philip:** The laird from Renfrew is just upset that members on this side of the House have done more to provide affordable housing in Ontario than his government has. I accept that as a compliment.

But there was the government House leader then—in the worst performance I have ever seen, because he is normally so eloquent. I would certainly have chosen him for leader over who is presently leading, and I am sure that on that—

**Hon. Mr. Conway:** That explains why I am not the leader.

**Mr. Philip:** The last time I complimented the member for St. Catharines-Brock (Mr. Dietsch) and said he was doing such an excellent job in the standing committee on public accounts, he was promptly removed the next week.

**Mr. Dietsch:** I told you to stop saying that. I am in the back benches so high my nose will bleed.

**Mr. Philip:** I know what it is like. I said some things to Michael Cassidy once and I understand there were inquiries as to whether a sixth row could be made back there.

**Hon. Mr. Conway:** Where is he now?

**Mr. Philip:** I hope I will be able to say the same thing about the laird from Renfrew, then, in a few years.

Now that we have started our introduction to my important amendment, I think that perhaps I should move the amendment tomorrow.

On motion by Hon. Mr. Conway, the committee of the whole House reported progress.

The House adjourned at 6 p.m.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Mclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)

**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)

**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)

**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)

Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)

Smith, David W. (Lambton L)

**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)

Sola, John (Mississauga East L)

**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)

**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)

Wildman, Bud (Algoma NDP)

**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)

**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

### EXECUTIVE COUNCIL

Peterson, Hon. David R., Premier and President  
 of the Council and Minister of Intergovern-  
 mental Affairs

Nixon, Hon. Robert F., Deputy Premier, Treas-  
 urer of Ontario and Minister of Economics

Conway, Hon. Sean G., Minister of Mines

Bradley, Hon. James J., Minister of the Environ-  
 ment

Scott, Hon. Ian G., Attorney General

Riddell, Hon. Jack, Minister of Agriculture and  
 Food

Eakins, Hon. John F., Minister of Municipal  
 Affairs

Kerrio, Hon. Vincent G., Minister of Natural  
 Resources

O'Neil, Hon. Hugh P., Minister of Tourism and  
 Recreation

Sweeney, Hon. John, Minister of Community  
 and Social Services

Elston, Hon. Murray J., Chairman of the  
 Management Board of Cabinet and Minister of  
 Financial Institutions

Wrye, Hon. William, Minister of Consumer and  
 Commercial Relations

Grandmaitre, Hon. Bernard C., Minister of  
 Revenue

Curling, Hon. Alvin, Minister of Skills Develop-  
 ment

Fulton, Hon. Ed, Minister of Transportation

Kwinter, Hon. Monte, Minister of Industry,  
 Trade and Technology



Oddie Munro, Hon. Lily, Minister of Culture and Communications  
 Sorbara, Hon. Gregory S., Minister of Labour  
 Caplan, Hon. Elinor, Minister of Health  
 Fontaine, Hon. René, Minister of Northern Development  
 Ramsay, Hon. David, Minister of Correctional Services  
 Smith, Hon. E. Joan, Solicitor General  
 Ward, Hon. Christopher C., Minister of Education  
 Hošek, Hon. Chaviva, Minister of Housing  
 McLeod, Hon. Lyn, Minister of Colleges and Universities  
 Patten, Hon. Richard, Minister of Government Services  
 Phillips, Hon. Gerry, Minister of Citizenship  
 Wong, Hon. Robert C., Minister of Energy  
 Mancini, Hon. Remo, Minister without Portfolio  
 Wilson, Hon. Mavis, Minister without Portfolio

#### PARLIAMENTARY ASSISTANTS

Ballinger, William G.: assistant to the Minister of Natural Resources (Durham-York L)  
 Beer, Charles: assistant to the Minister of Education (York North L)  
 Brown, Michael A.: assistant to the Minister of Mines (Algoma-Manitoulin L)  
 Cordiano, Joseph: assistant to the Minister of Tourism and Recreation (Lawrence L)  
 Faubert, Frank: assistant to the Minister of Revenue (Scarborough-Ellesmere L)  
 Ferraro, Rick E.: assistant to the Minister of Financial Institutions (Guelph L)  
 Haggerty, Ray: assistant to the Minister of Consumer and Commercial Relations (Niagara South L)  
 Hart, Christine E. (Ms.): assistant to the Minister of Treasury and Economics (York East L)  
 Kanter, Ron: assistant to the Solicitor General (St. Andrew-St. Patrick L)  
 Keyes, Kenneth A.: assistant to the Minister of Health (Kingston and The Islands L)  
 LeBourdais, Linda (Mrs.): assistant to the Minister of Intergovernmental Affairs (Etobicoke West L)  
 Leone, Laureano: assistant to the Minister of Culture and Communications (Downsview L)  
 Lupusella, Tony: assistant to the Minister of Government Services (Dovercourt L)  
 Mahoney, Steven W.: assistant to the Minister of Industry, Trade and Technology (Mississauga West L)  
 McClelland, Carman: assistant to the Minister of the Environment (Brampton North L)

McGuigan, James F.: assistant to the Minister of Transportation (Essex-Kent L)  
 McGuinty, Dalton J.: assistant to the Minister of Skills Development (Ottawa South L)  
 Mclash, Frank: assistant to the Minister of Northern Development (Kenora L)  
 Miller, Gordon I.: assistant to the Minister of Agriculture and Food (Norfolk L)  
 Morin, Gilles E.: assistant to the Minister of Colleges and Universities (Carleton East L)  
 Nixon, J. Bradford: assistant to the Minister of Housing (York Mills L)  
 Offer, Steven: assistant to the Attorney General (Mississauga North L)  
 Polsinelli, Claudio: assistant to the Minister of Municipal Affairs (Yorkview L)  
 Ruprecht, Tony: assistant to the Minister of Community and Social Services (Parkdale L)  
 Smith, David W.: assistant to the Minister of Correctional Services (Lambton L)  
 South, Larry: assistant to the Minister of Energy (Frontenac-Addington L)  
 Sullivan, Barbara (Mrs.): assistant to the Minister of Labour (Halton Centre L)  
 Velshi, Murad: assistant to the Minister of Citizenship (Don Mills L)

#### STANDING COMMITTEES

Administration of justice: chairman, Mr. Callahan; vice-chairman, Mr. Chiarelli; members, Messrs. Farnan, Hampton, Kanter, Mahoney, McGuinty, Offer, Polsinelli, Runciman and Sterling; clerk, Deborah Deller.

Finance and economic affairs: chairman, Mr. D. R. Cooke; vice-chairman, Mr. Pelissero; members, Messrs. Cleary, Ferraro, Haggerty, Ms. Hart, Messrs. Kozyra, Mackenzie, McCague, Morin-Strom, and Pope; clerk, Todd Decker.

General government: chairman, Mr. Elliot; vice-chairman, Mr. Faubert; members, Ms. Bryden, Messrs. Callahan, Charlton, Cordiano, Cureatz, Fleet, McLean, Ruprecht and Sola; clerk, Franco Carrozza.

Government agencies: chairman, Mr. McLean; members, Messrs. Ballinger, Breaugh, Mrs. Marland, Miss Martel, Messrs. Miller, J. B. Nixon, Miss Roberts, Messrs. Runciman, South and Velshi; clerk, Deborah Deller.

Legislative Assembly: chairman, Mr. Epp; vice-chairman, Mr. Campbell; members, Messrs. Breaugh, Hampton, J. M. Johnson, Matrundola, McClelland, Morin, Sterling, Mrs. Stoner and Mrs. Sullivan; clerk, Smirle Forsyth.

Ombudsman: chairman, Miss Nicholas; vice-chairman, Mr. Bossy; members, Messrs.

Carrothers, Charlton, Cousens, Henderson, Mrs. LeBourdais, Messrs. Lupusella, MacDonald, Philip and Pollock; clerk, Franco Carrozza.

Public accounts: chairman, Mr. Philip; vice-chairman, Mr. Pouliot; members, Messrs. Adams, Ballinger, Ms. Collins, Mr. Cousens, Mrs. Fawcett, Miss Martel, Miss Nicholas, Messrs. J. B. Nixon and Villeneuve; clerk, Douglas Arnott.

Regulations and private bills: chairman, Mr. Furlong; vice-chairman, Mr. Lipsett; members, Messrs. Keyes, Kormos, Leone, McCague, Miclash, Pollock, Reville, Smith, and Sola; clerk, Tannis Manikel.

Resources development: chairman, Mr. Laughren; vice-chairman, Mr. Wildman; members, Messrs. Black, Brown, Dietsch, Mrs. Grier, Mrs. Marland, Mr. McGuigan, Mrs. Stoner, Messrs. Tatham and Wiseman; clerk, Lynn Mellor.

Social development: chairman, Neumann; vice-chairman, Mrs. O'Neill; members, Messrs. Allen, Beer, Carrothers, Mrs. Cunningham, Messrs. Daigeler, Jackson, R. F. Johnston, Owen and Ms. Poole; clerk, Todd Decker.

### SELECT COMMITTEES

Education: chairman, Ms. Poole; vice-chairman, Mr. Reycraft; members, Messrs. D. S. Cooke, Furlong, Jackson, R. F. Johnston, Keyes, Mahoney, Miclash, Mrs. O'Neill and Mr. Villeneuve; clerk, Lynn Mellor.

Energy: chairman, Mr. Carrothers; vice-chairman, Mr. McGuigan; members, Messrs. Brown, Charlton, Cureatz, Mrs. Grier, Messrs. Matrundola, M. C. Ray, Runciman, South and Mrs. Sullivan; clerk, Tannis Manikel.

\*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



## CONTENTS

**Wednesday, February 1, 1989**

### Members' statements

<b>Canadian Medical Laboratories, Mr. Mackenzie</b> .....	7791
<b>Young offender, Mr. Jackson</b> .....	7791
<b>Black History Month, Miss Roberts</b> .....	7791
<b>Developmentally handicapped, Mr. Allen</b> .....	7792
<b>Wetlands management, Mr. McCague</b> .....	7792
<b>Passenger trains, Mr. Tatham</b> .....	7792
<b>Retail store hours, Mr. Farnan</b> .....	7793

### Oral questions/Questions orales

<b>Retail store hours, Mr. B. Rae, Hon. Mr. Peterson</b> .....	7793
<b>Nursing services, Mr. B. Rae, Hon. Mrs. Caplan</b> .....	7794
<b>Funding for police work, Mr. Brandt, Hon. Mrs. Smith, Mr. Runciman</b> .....	7795
<b>Facilities for young offenders, Mr. Farnan, Hon. Mr. Sweeney</b> .....	7798
<b>Rental accommodation, Mr. Harris, Hon. Ms. Hošek</b> .....	7798
<b>Teachers, Ms. Collins, Hon. Mr. Ward</b> .....	7799
<b>Conversion of rental accommodation, Mr. Philip, Hon. Ms. Hošek</b> .....	7800
<b>Young offender, Mr. Jackson, Hon. Mr. Sweeney</b> .....	7800
<b>Vocational rehabilitation, Mr. Dietsch, Hon. Mr. Sorbara</b> .....	7801
<b>Franco-Ontarian students, Mr. R. F. Johnston, Hon. Mr. Ward</b> .....	7802
<b>Étudiants Franco-Ontariens, M. R. F. Johnston, l'hon. M. Ward</b> .....	7802
<b>Proposed hospital merger, Mr. Brandt, Hon. Mrs. Caplan</b> .....	7803
<b>Municipal hiring practices, Mr. Faubert, Hon. Mr. Eakins</b> .....	7803
<b>Labour dispute, Mr. D. S. Cooke, Hon. Mr. Sorbara</b> .....	7804

### Petition

<b>Church of Scientology, Mrs. Grier, tabled</b> .....	7804
--	------

### Motion

<b>Private members' public business, Hon. Mr. Conway, agreed to</b> .....	7804
---	------

### First readings

<b>Legislative Assembly Amendment Act, Bill 212, Hon. Mr. Conway, agreed to</b> .....	7804
<b>Executive Council Amendment Act, Bill 213, Hon. Mr. Conway, agreed to</b> .....	7805

### Committee of the whole House

<b>Retail Business Holidays Amendment Act and Employment Standards Amendment Act,</b> bills 113 and 114, Hon. Mrs. Smith, Hon. Mr. Sorbara, Mr. Hampton, Mr. Kanter, Mr. Harris, Mr. McGuigan, Mr. Sola, Mr. J. M. Johnson, Mr. Runciman, Mr. Philip, Mr. Allen, Mr. Pouliot, Mr. McCague, progress reported .....	7805
---	------

### Other business

<b>Visitor, Mr. Speaker</b> .....	7793
<b>Adjournment</b> .....	7832
<b>Alphabetical list of members</b> .....	7833
<b>Executive council</b> .....	7834
<b>Parliamentary assistants</b> .....	7835
<b>Members of standing and select committees</b> .....	7835













Ontario

No. 140

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**First Session, 34th Parliament**

Thursday, February 2, 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

---

Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan

## **CONTENTS**

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, February 2, 1989

The House met at 10 a.m.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### NORTHERN ONTARIO ARTISTS AND CULTURAL GROUPS

#### ARTISTES ET GROUPES CULTURELS DU NORD DE L'ONTARIO

Mr. Campbell moved resolution 60:

Que, de l'avis de cette Chambre, le gouvernement devrait encourager le ministère du Développement du Nord et des Mines et le ministère de la Culture et des Communications à soutenir les artistes et les groupes culturels du Nord de l'Ontario, qui désirent avoir un plus grand accès aux marchés du Sud de l'Ontario, et permettre ainsi à tous les habitants de notre province d'apprécier la grande diversité et la beauté des oeuvres de nos talentueux artistes du Nord.

That, in the opinion of this House, the Ministry of Northern Development and Mines and the Ministry of Culture and Communications should be encouraged to support northern Ontario artists and cultural groups who seek to more fully access the southern Ontario market, thereby offering all residents of our province an opportunity to appreciate the great diversity, beauty and talent of the north.

**The Deputy Speaker:** The member has up to 20 minutes to make his presentation and may reserve any portion of that for the windup.

**Mr. Campbell:** Those of us from northern Ontario are already aware of the great cultural diversity and the heritage of the north, and as a former art teacher of video media, I am aware of how closely interrelated are culture and quality of life.

Sadly, though, very few people who live south of Parry Sound are even aware of the existence of northern Ontario and its art and culture, except as vaguely remembered Art 101 lessons from high school on Tom Thomson and the Group of Seven. While I do not for a moment underestimate the value and the great beauty of their work, I feel that it is vital that the unique vision of

today's northern artists be given a wider audience.

To this end, the Ministry of Northern Development and Mines is to be congratulated on its ongoing support of Ontario North Now at Ontario Place. During the operating season, various northern artists and art galleries are showcased there.

A number of fine northern Ontario artists have gained wider acceptance and notice through this program. Doug Fox of Wikwemikong, Clem Berini of Timmins, Lozia Daoust of Sudbury, Zoe Wood Solomon, also of Sudbury, and Robert Ralph Carmichael of Echo Bay are all artists whose works have gained wider public acceptance through Ontario North Now. In fact, many people carry Robert Carmichael's work in their pockets and purses, for it was he who designed the very handsome new \$1 coin depicting Ontario's official bird, the loon. The art galleries that have been showcased have allowed a wider dissemination of northern and native art.

As mentioned earlier, I have a background in teaching video arts. I have had the great pleasure of teaching a number of young people who have moved south to enrich and deliver fine-quality entertainment to the homes of viewers. Some of my former students are employed here in this very building. Dave Tyler does yeoman's duty for the electronic production office of the Liberal caucus bureau, while Joe Lemieux works for the assembly with the Ont. Parl network and is part of the team responsible for the high-quality coverage given to the Legislative Assembly's proceedings.

A few of my other former students are Ray Cormier and Don Winton, who work for channel 47, Pete Leclair at CFTO, Terry O'Reilly at CHCH and the Flaherty brothers who offer their services via film and Global. As well, the Charbonneau sisters in Ottawa media are very active in both print and electronic, Carolyn McGrath works in the traffic department at CJOH, Dianne Zolodak works in marketing in Toronto and Cindy Eyre is a singer with a wide southern Ontario audience. In short, these and other northern residents have demonstrated their

capabilities in the larger cultural market of the south.

The Ministry of Northern Development and Mines is also to be commended for creating and operating the supplementary northern assistance program or SNAP. One facet of this program is to provide financial assistance to artists and cultural groups who must travel to show their works. This offers an opportunity for northerners to participate more fully in Ontario's cultural life.

SNAP also works to assist southern Ontario groups and artists to tour the north, thereby increasing and enriching the cultural diversity of the north. The program will pay up to 75 per cent of eligible costs to a maximum of \$10,000. Nonprofit volunteer groups may also qualify for assistance under the terms of this program.

What many people do not realize is that northern Ontario is neither a vast wasteland of blasted earth nor a pristine, untouched wilderness. Many southern groups and much of the press would have us believe that one of these two extremes is the norm. However well-meaning the intention of spreading these myths, these depictions are both inaccurate and somewhat insulting.

Yes, there are areas in the north where human shortsightedness has wreaked a terrible havoc; and yes, there are areas of great natural beauty. But what is forgotten, all too often, is that there are a great number of people who live in northern Ontario. These people are like everyone else. They are trying to earn a living, to make the world better for their children, to express their joy in their ethnic roots, while having a fierce pride in Canada. In short, they are like Ontarians in all parts of our province.

Few people realize that Sudbury has one of Ontario's largest populations of people of Italian and Ukrainian descent outside Toronto; that there are many people of Finnish and eastern European ancestry living throughout the north; that our native people add their millenia-old understanding of the land to our cultural diversity; et que notre population francophone donne une grande joie de vivre à notre province.

In other words, northern Ontario is a microcosm of the province as a whole and has much to offer the rest of the province besides metals and wood products, if our people are only given a chance.

All too frequently we encounter an attitude not unique to any one segment of southern Ontario, which assumes that all is a wasteland north of Highway 401, east of Victoria Park Avenue and

west of Bathurst Street. This may be a harsh statement, but the perception is all too real.

Look, for example, at the proposed handling of the Golden Horseshoe's garbage problem by the mayor of Scarborough. In effect, she said, "Proper treatment and recycling is too expensive, so we'll ship it north." That is all. Ship it north and dump it down a mine shaft, with no regard for the impact on the communities already there which are coping with massive challenges of their own. It is this attitude of innocent ignorance which must be changed.

## 1010

Par exemple, Sudbury est le domicile d'une des plus grandes réussites au Canada dans le domaine des théâtres régionaux : le Sudbury Theatre Centre. Sudbury est aussi un des importants centres de théâtre francophone grâce au Théâtre du Nouvel-Ontario. Ces exemples montrent que les gens du Nord sont bel et bien arrivés dans la vie artistique de l'Ontario.

I hope my French is reasonable enough that members and the folks at home can understand.

My resolution calls on both the Ministry of Northern Development and Mines and the Ministry of Culture and Communications to think creatively. I have already outlined the fine efforts by MNDM, but they are too often viewed as a curiosity because they are northern.

I would ask the Ministry of Culture and Communications to help show southern residents the beauty and achievements of the arts and culture of the north and to help spread accessibility of northern artists and cultural groups. Perhaps an enhanced SNAP, supported by Culture and Communications, would be a start.

We already have a program in place which allows northern students to come to southern Ontario to view the Royal Ontario Museum and this very building, the Legislature of Ontario, the centre of government. But encouraging school groups to travel more widely within our province would also help to break down the barriers of perception.

For example, while school groups, as I have said, may currently travel to Toronto from the north to quite properly gain a better understanding of our province and capital, why not have a similar program to assist students to travel north to Old Fort William, Science North or any other of the fascinating displays and features spread throughout Ontario?

The first step, though, is to expand our cultural horizons by exposing northern artists to a greater degree in the major marketplace of our province. We in northern Ontario have come a long way



since an advertisement in Toronto asked, "What has more culture than Sudbury?" The answer the radio station gave was, "Yoghurt."

I look forward to hearing from other members of this House and I hope the spirit of positive suggestions will help to bring a greater understanding and appreciation of our province to all the regions within its border.

**The Deputy Speaker:** You will reserve 11 minutes for the final part?

**Mr. Campbell:** I will.

**M. Pouliot:** Merci. Bonjour. Il me fait plaisir ce matin, non seulement de participer... mais aussi d'appuyer la résolution du député de Sudbury (M. Campbell).

I am very pleased to support the private member's resolution of the member for Sudbury (Mr. Campbell) regarding long-awaited incentives, long-awaited help for our artists and musicians in the north, the people who are producing, for instance, these beautiful works of art.

If I were to ask the distinguished members of this House, in terms of this creation—fur, beads, moose hide—where these are from, where Ontario's most northerly community is, maybe one of the pages would be able to say: "Mr. Pouliot, you're talking about Fort Severn. Maybe you're talking about Kingfisher."

If I go beyond my learned colleagues in the party of social conscience, most of my distinguished colleagues probably would be at a loss. Their interest therefore resides in southern Ontario. In fact, a cynic could perhaps mention that once you get past Steeles you are entering central Ontario and that the extreme north, because he had a cousin or a relative who once made it there, is North Bay.

The riding that I represent extends to Fort Severn on the shores of Hudson Bay and I am closer to Miami, Florida, as I stand here trying to promote the lifestyle of 18 per cent of the riding of Lake Nipigon, the native population—our first Canadians, of course, our first Ontarians. Since 1670, through the vested interest of gentlemen adventurers—and I have been very, very careful when I see that term since dealing with the Hudson's Bay Co.—that was the only mode, the only vehicle for promotion, for retailing that our first Canadians have had for centuries.

The member for Scarborough West (Mr. R. F. Johnston) often reminds us, after reading the Scriptures, and he does read them, that he once visited Hudson Bay and once read in the Bible that the merchants were chased out of the temple. He now believes that they have returned with a

passion and a vengeance through the Hudson's Bay Co.

What the resolution tells us is that northern Ontario is not the mecca of culture, that encouragement has been lacking in the past. It has been sadly lacking, although there are some positive signs. It is beginning to change. The people of the north, aside from providing southerners with their natural resources, have a lot more to offer.

They can feed the pockets of people elsewhere by exporting their resources; by exporting, in fact, their sons and daughters in terms of raw talent, because job opportunities are better in southern Ontario. But we can also feed the soul with a degree of culture, with our artists, but it takes a collective effort.

The member for Sudbury is so right. It takes the participation of many people, people from the Ministry of Northern Development and Mines, the Ministry of Culture and Communications and the Ministry of Education.

The majority of our municipalities in northern Ontario do not have a music teacher. Some school boards have a great deal of difficulty adhering to the principles and curriculum of the Ministry of Education simply because they cannot find someone to teach French as a second language.

How many choirs from northern Ontario have been paid the compliment of an invitation to visit their counterparts in southern Ontario so that their talents could be displayed and appreciated?

I ask the members of the Legislature individually if they have ever spent more than one minute admiring the picture of the loon. The artist is anonymous. We have to bring it down by plane because we have no network, or a very limited network, to have our goods appreciated.

With a bit of practice of the art of not losing, with some training and incentives, with the belief that tomorrow will be brighter than today, we could develop a market for these goods. They can compete, but the people do not know, and the resolution from the member for Sudbury (Mr. Campbell) addresses that.

It tells us that, aside from the natural resources that we produce, surely we will be more complete human beings, that as part of the makeup of anyone, we have to work. Heaven knows that we work very hard up north; not harder than anyone else perhaps, but we work very hard.

We do not feel that TVOntario, whenever we can get it, wherever we have access, and it is not

universal—oh, people take it for granted down here.

**Mr. Miller:** No, we don't.

**Mr. Pouliot:** Up north, we have bigger moccasins to fill. My riding is more than 1,000 miles long. It is the size of West Germany. We measure things on a different scale there. We have people who are committed to making the lives of their neighbours a little better. They wish to put more into life than what they receive, and the way they do it is with their talent.

It is not that there are no takers, but they seldom get a pat on the back. They are talented, but where are they going to express that talent? If they do produce some goods, they simply have no market. They feel alone and neglected. The member for Sudbury has had the courage, has taken this one opportunity that is given to a member in his term of office, to recognize that not enough has been done.

#### 1020

We had a private member's resolution some weeks back commending the government for its initiative regarding eastern Ontario. With the highest of respect, of course, what needs more help, northern Ontario or eastern Ontario? I am sure they both do, and we can argue for a long, long time, but what I am saying is that exposure to culture—

La chance qu'on donne aux artistes, dans le Sud et le Sud-Est de l'Ontario, n'est quand même pas comparable à celle des gens de chez nous, qui ont su oeuvrer, essouffés et démunis parce que le gouvernement a choisi d'aller ailleurs que chez nous.

Il est souvent difficile pour nos autochtones — pour les autres aussi — de continuer d'oeuvrer quotidiennement; d'essayer en vain... et d'informer leurs confrères des autres centres de l'Ontario que la culture, chez nous, ça existe; et que personne n'a le monopole du talent. La culture est vivante chez nous, et elle veut pénétrer le marché du Sud de l'Ontario. Elle veut que les gens d'ici, dans le Sud de l'Ontario, se rendent compte des talents... On a surtout besoin d'encouragement.

Le député de Sudbury nous offre aujourd'hui l'occasion de nous intégrer à la vie culturelle de l'Ontario. Cette résolution est la bienvenue dans notre parti et elle a aussi notre appui.

**Mr. Cousens:** I am pleased to participate in this debate. I will tell the honourable member that in spite of the fact that his bill is rather a narrow one saying, "Let's support the arts in the north," I am going to support it, because I think

that people who are Canadians first and live in Ontario really have to have a great sensitivity to the needs of the people all across our great province.

I say to the member for Sudbury, all I can ask for is a reciprocal type of arrangement when someone from Windsor or someone from eastern Ontario or someone from central Ontario brings forward a similar motion and says, "Hey, where are you guys from the north when it comes to supporting us in our cultural needs?"

I think the one thing we always have to remember in this House and in this province of ours is that we are Canadians first. If I can do anything to support someone in another part of our great country, then I want to do it, and particularly when it is something within Ontario. I am sympathetic to the needs of the people of the north who want to make sure that their expressions are heard, felt and understood, and as we learn what the native cultural groups have to offer we too can learn and prosper from their experiences.

I think some communities do a far more effective job than others in translating their interests in the cultural world into expressions of what Canada is all about. I have a cottage near Penetanguishene and the people up there are constantly trying to build and create an interest in local cultural things by bringing out the past through parades and through special events and through artisans of different kinds and through music. It is marvellous what is happening and what one community can do. It really is an example of how all levels of government can work together to support the arts. That is a credit to this country and a credit to every level of politics.

That is really part of the message that I want to present here. What happens in Sudbury or the north cannot happen in isolation from the rest of the province and the country. Yet we have the member for Sudbury bringing forward this motion, without really having, I think, a sense of some of the other problems that go into it, and maybe in the positive spirit of this debate we can go forward with some positive action for the future.

One of the things I would like to touch on is that the Ontario government, as I am sure every member in this House knows, has a bill called Bill 119. This is the Ontario Lottery Corporation Amendment Act and a very significant bill that will affect the arts in many ways. What is going to happen is that the money that now flows



through Wintario and Lottario funding is soon going to be appropriated in a different direction.

Less money will be given to recreation and the arts and it will be directed towards hospital funding. We all know that the hospitals need money, but the worry that many places are having is that that money, once taken away from cultural and recreational budgets that now need it, will no longer be there. They will no longer find the funding. They will not get the funding from the province, that is for sure.

In fact, I wonder if the member whose bill we are considering is aware that the Sudbury Little Theatre Guild is on the record as publicly opposing Bill 119. They are saying: "Hey, don't do it to us. What you're doing is taking away the money that has supported the arts." I wonder if the member for Sudbury is going to go and speak to the Minister of Culture and Communications (Ms. Oddie Munro) and get her to withdraw that bill or amend that bill to take into consideration the point of view of the Sudbury Little Theatre Guild.

The fact of the matter is that there have been a large number of cultural groups across this province—and we are talking about groups from everywhere, from Georgina, the St. Lawrence Centre for the Arts, the Oshawa Little Theatre Workshop; every part of the province has come in—over 900 letters have gone to the ministry saying: "Don't do it to us. You're about to hurt the culture and the arts and the development of those things in our own communities."

Our honourable friend has brought forward an important motion that says we want to do something. He personally can do something, as a Liberal backbencher who may well be in the front benches some day. With the kind of leadership that he could show through this kind of example to get the government to take a lead on this, I would support him for the Ministry of Culture and Communications.

But he is going to have to do more than that, he really is. In the estimates of the Ministry of Culture and Communications, which we have just finished reviewing, the people of Ontario are not aware of how money is not being spent on cultural development and institutions. I am referring here to a report on the spending of that ministry, and it is not good news for the arts.

In fact, what has happened is that there has been a net decrease this year over last year by this Liberal government in the arts. Grants for theatres and theatre awards are down by \$91,500. A piddling \$31,200 is now spent in that area of expenditures. Ontario lottery projects are down

by \$317,000 for program grants in one year. That does not just touch the north; that touches the whole province.

This beautiful Liberal government that was going to do so much for the whole province is taking money away from these areas right now. The money that would normally come through lottery grants to support agencies and cultural institutions is down by \$6,544,000 in one year from what it was the previous year. Agencies and cultural institutions whose job it is to support the arts across the province have \$6,544,000 less than they did the year before.

It is a dangerous precedent that is happening. Here, on the one hand, our honourable friend is supporting the arts; yet on the other, his Minister of Culture and Communications is cutting the budget on grants for theatres, for program grants and for agencies and cultural institutions. Somehow or other it does not add up. It does not add up that the member is saying we want to do more, yet the very government that he is a part of is doing less. I hope that his motion can somehow motivate the minister to do more than she is doing right now.

#### 1030

We have to have municipal support. There is no way that we can have the arts developing in any community unless we start getting municipal councils involved. Somehow or other, we as representatives at the provincial level should give every kind of encouragement we can to municipalities to do more. We have to do more to get corporations to give generously to the arts.

In Canada, we do not begin to invest in the arts the way they do in the United States. I have a comparison of what they give in the US to what they give in Canada over the last 20 years, and US corporations give close to twice as much as Canadian corporations. In pretax profits, US corporations over the last 20 years gave 1.2 per cent to 1.6 per cent in pretax profits. In Canada, our corporations have given, over that period of time, 0.8 per cent to 0.6 per cent. We are seeing less than eight per cent of the estimated 45,000 companies in Canada making contributions to the arts. That is a place to begin. If we could get corporations to give that kind of leadership, then I am sure we would see more people beginning to benefit.

It is not just government that has to do something. It is not just our government, although our government is not doing anything to speak of. They are reducing what they used to do. We have to get municipal governments and corporations involved and, undoubtedly, the

federal government can give leadership in this area as well. There is no doubt that the federal government through different funding sources can come along and start to make it happen.

There cannot be a monopoly on the arts. It has to be something where every community finds its pride in its history, its culture, its people and in doing things, not just being a spectator looking on and seeing other people do things but participating in a meaningful way to make this the country we all want it to be. If those who have the ability to sing or to work with pottery or to dance or to do anything share with others something of the beauty of this land, something of the beauty of our background, something of our culture, something of themselves, then this in itself will be a progressive step forward and something that will be part of the heritage of this country.

We have it in the north right now, and I am delighted to see so many things that can happen from the north. We see it in every part of our province and in every part of our country. May we find more people willing to give leadership to the arts in every way, and recognize them and allow them to have a chance to share their skills and what they are doing.

I am going to support the member's bill. Hopefully, it will pass this House and the minister will be listening to the member's expressions and, indeed, the province will begin to put the money back where it should be.

**Mr. Leone:** I am pleased to respond to this important issue which has been brought before the House and I want to speak in support of the resolution introduced by my friend the member for Sudbury.

I want to support this resolution in two capacities, as parliamentary assistant to the Minister of Culture and Communications and as a man who has spent years in the community working for the preservation and promotion of our heritage culture which represents the soul and the essence of our national identity.

I want to support it because I believe it is the right of every citizen of Ontario to have the same rights and privileges for the enjoyment of their culture. While we as government promote the creation and cultivation of our culture in the south, we have to do the same to promote cultural activities in the north and make it possible for artistic talents, creation and activities to be known and enjoyed throughout Ontario, not only in Ontario and Canada but throughout the world.

Last Friday, January 27, I was in Oliver, a small town near Thunder Bay, on behalf of the

Minister of Culture and Communications, at the inauguration of a community centre. Later, I attended a fund-raising dinner at the Italian Centennial Club, organized by the Thunder Bay Symphony Orchestra, where I presented the president with a cheque for \$90,000 as the contribution from our ministry and government towards the solution of its financial problems.

In my brief remarks, I told the president and the numerous audience that with the co-operation of the Italian clubs of Thunder Bay, I wanted to organize a tour by the symphony in Italy. In this way, we will promote northern culture not only in Ontario and Canada but in other parts of the world. This morning, I received a letter from the president, Don Watson, saying he would take up my kind offer to help the Thunder Bay Symphony Orchestra to undertake a tour in Italy. They are delighted with this offer.

Also, I want to tell the member for Lake Nipigon (Mr. Pouliot) that yesterday I received an invitation from a region of Italy where we can exhibit and sell our artistic and cultural products this year. They are offering us 400 square feet of free booth area.

Besides the Ministry of Culture and Communications' long-standing commitment to the promotion of the arts in northern Ontario, we take much pride in the north's vast and growing cultural heritage. As a result, we are giving special attention to promoting it to a larger audience. We are engaging in a number of initiatives in co-operation with the Ministry of Northern Development and Mines. I would like to take a few moments to outline them.

We are working with the Rainy River Indian band to examine ways of developing the Manitou Mounds national historic site into a heritage park open to the public. At Rushing River and Providence Bay, excavations of native sites are open to the public and employ native youths through the summer Experience program. At Kakabeka Falls another excavation is providing insights into the period of the fur trade.

All three projects illustrate for visitors the important role archaeology plays in the understanding of our heritage. Furthermore, the Rushing River project will be featured in an upcoming TVOntario series on archaeology seen throughout Ontario.

The Ontario Heritage Foundation is involved with the Ministry of Northern Development and Mines in a number of projects which preserve and promote northern Ontario's heritage. At Moose Factory, for example, the history of the fur trade is being interpreted through a number of



restored heritage buildings and museums. As members know, Moose Factory is the destination point for the famed Polar Bear Express.

Turning to the current cultural expressions in the north, I would like to outline the ministry's initiatives.

Northern Ontario publishers have been given special status to receive benefits from the Ontario book publishing program.

Francophone cultural industries and organizations mainly located in the north are being studied to determine their needs and potential.

The Ontario Arts Council assists in bringing exhibitions by northern artists to southern venues. The Art Gallery of Ontario provides professional advice on staging exhibits.

Through its French-language service, TV-Ontario's *La Chaîne française* is making extensive use of the work of northern Ontario artists and writers, which then becomes readily available to all Ontarians.

#### 1040

On another front, the Ministry of Northern Development's supplementary northern assistance program has a category for arts and cultural program assistance. It supports, among other things, cultural groups, workshops and tours of southern Ontario. The current grant categories of the Ministry of Culture and Communications are also available to support the promotion of northern culture in the south.

Finally, Science North, an agency of the ministry, continues to attract, educate and entertain visitors to Sudbury. It has also brought northern Ontario to the world, with pavilions at Ontario Place for the economic summit in Toronto and at the francophone summit in Quebec.

The government of Ontario is committed to the cultural enhancement of all its citizens. In Ontario we support cultural expression at all levels. We see culture not just as the prerogative or the property of the few or strictly for those from the south, but as the living expression of what many care about in their communities.

I am pleased that our government has taken such an active role in partnership with communities in the development of northern Ontario cultures.

**Mr. R. F. Johnston:** I would like very much to participate in the debate. I thank the member for Sudbury for his initiative today. I am sure that what he was wanting to hear was exactly what the parliamentary assistant, the member for Downsview (Mr. Leone), has just said, giving a litany of what is being done at the moment and a

government apology, rather than dealing with the stated problem which the member has identified. It is as if there is no point in having a resolution, according to the member for Downsview, because the government is already doing such wonderful things for the culture of the north and the cultural industry, as nascent as it is, in northern Ontario.

I am not sure that is exactly what the member for Sudbury had wanted to hear from the government, but he has another nine, 10 or 11 minutes to perhaps tell the parliamentary assistant what is missing presently, what he hopes to see and why he bothered to bring this resolution forward, if in fact the government is doing such a glorious job.

**Mr. Mahoney:** I think he is supporting you.

**Mr. R. F. Johnston:** I am supporting the member's resolution. I am wondering if the kind of support he just got from the member for Downsview, I say to the member for Mississauga West (Mr. Mahoney), is exactly what he was after when he brought this forward; because if the status quo is fine, then what is the point in bringing in a resolution?

I want to pay a particular compliment and commendation to the member for Lake Nipigon, who spoke earlier. With a couple of beautiful pieces of art, he was able to make the point magnificently about the failure of our province to give proper support to native communities in northern Ontario to be able to access markets and to develop their skills, native and developing, I would say, in terms of the arts themselves.

It is ironic when you think of the difference between what happened for the Inuit in the Northwest Territories by the initiative, not so much of government formally but of a couple of major art collectors, and that which has happened for the native woodland Indian, if you will, of northern Ontario. That is to say, there has been a great exploitation of art, in the positive and negative sense, for the Inuit, and there is now a major industry in Baker Lake and other places in northwestern Ontario.

In northern Ontario the wonderful art that has been there for centuries is not something that has been allowed to develop or has been given the same kind of status here in the province and therefore helped to be promoted internationally. For instance, one thinks of people like Norval Morrisseau, who for years and years produced wonderful paintings in the north of Ontario and sold them for virtually nothing until he was discovered. But that was not made into the beginning of an industry and fostered by that

government and has not been by subsequent governments, as it should have been. As a result, we have not seen the natural development and flourishing of the visual arts in that sense.

One thinks of some of the other people who, in spite of a lack of support, have come out of northern Ontario. In music, one thinks of Ken No, Robert Paquette and people of that ilk who have done some wonderful work in the past and have been recognized to one degree or another: in fact, by this assembly. One thinks of these people who are at the moment, in northern Ontario, trying to deal with the visual arts in terms of producing film and being able to try to get their particular performances brought to southern Ontario instead of always having touring companies from the National Ballet of Canada or Toronto theatre going north. They are running into severe and substantial difficulties.

It is time that we had some sort of concerted attempt to foster the arts in northern Ontario. It is not often that the member for Markham and I agree on anything. Therefore, at this point I think it is probably appropriate that I should refer to one of the things he said that I thought was particularly useful. He said that this government, in moving lottery funds away from arts and culture, is in fact pursuing a course which, in philosophical terms, I think is directly at odds with what the member is putting forward today. I hope that contradiction that the member for Markham raised was noted by the member.

It is difficult at the best of times to get government or industry in this country interested in proper, viable and continuing support for the arts and culture. It has always been a low priority. Still, we see arts, even in places like Toronto, in major difficulty in terms of being able to continue. I think of recent theatre groups here, such as Factory Theatre Lab, which are desperately trying to maintain themselves because of the lack of adequate funding. It has been especially true for people living in the hinterland, and especially true for those in northern Ontario.

If we take away funds from Wintario, if we continue to underfund the arts, as we have been doing through Wintario, and do not allow groups to participate which should be participating in that program, then I think we will be doing them a major disservice. The kind of resolution this member is bringing forward will just be so much flying against the wind of reality and not have any chance of development.

I want to focus on something which I know is not specifically part of what the member is talking about here; it is the limitation of how we

look at Wintario grants and whom they can go to. As the members will know, if you have an amateur theatre group, it is not eligible for Wintario assistance. You have to have pros; you have to have a professional director and you have to have professional actors. But if you are totally an amateur group, you are not even eligible for any kind of assistance.

If the members think about the development of grass-roots art and culture, it is vitally important that government funds go into assisting the amateur sector and not just the developing professional, because where does the professional come from anyway? He or she comes from a large base of amateurs involved in a particular field, whether it is photography, music or theatre. It is from that base that those people come, and from that cultural context that they derive their strength and their art.

We do not foster this in any way with the government funding programs that we have at the present time. I suggest to the member for Sudbury that if there is a specific change in policy it would be of huge assistance in the north, in small communities which could use a little bit of assistance in putting on a theatre production or trying to mount an arts exposition, or the kind of thing that the member for Lake Nipigon was showing to the House earlier on; that would be one where that could be done.

Let me conclude my remarks short of the time, which I know will disappoint the table, which always expects me to fill the time right to the last second.

The motion is well addressed. It is a problem which does exist. The kind of response we had from the member for Downsview, the parliamentary assistant to the Minister of Culture and Communications, is not what we need. We need some real recognition of the fact that although we are doing things, there is a huge deficit and a need for new investment of money, time and energy in the north specifically and around the kinds of things the member for Lake Nipigon so eloquently spoke about.

I hope the government takes more seriously the kind of suggestion that is being brought forward by the member for Sudbury today.

**1050**

**Mr. Pollock:** I am pleased to join in this debate and I am certainly going to support the resolution of the member for Sudbury.

I have had the privilege of travelling in the north on different occasions, and I have to admit, the north grows on you. I have been impressed by



its vastness and some of the particular scenes in the north.

I think it is a worthwhile resolution that the member for Sudbury brings forward. It certainly will be beneficial to the north to have the government get involved and support more of these particular artists and people from the north, because it is a great part of this province.

I just wanted to put a few of those things on the record.

**Mr. Kozyra:** It is a pleasure to speak briefly in support of this resolution.

As members know, northern Ontario is blessed with a strong and varied network of artists and cultural groups. Unfortunately, though known in the north, these artists and groups are one of Ontario's best-kept secrets as far as southern Ontario is concerned. Greater access to the huge southern Ontario market, as proposed in this resolution, would provide that much-needed exposure and recognition.

It must be noted that at present some good programs and activities do serve and have the potential to serve the promotion of northern culture in wider audiences. These, as has already been outlined in more detail, include Science North out of Sudbury, which has had pavilions in Toronto and Quebec. Exhibitions by northern artists have been brought to southern venues through the help of the Ontario Arts Council. Public archaeology projects, as well as serving the local visitors, will be featured on TVOntario programming on Ontario archaeology. The Ministry of Northern Development and Mines supports workshops and tours of northern cultural groups. As well, at present there is a very exciting feasibility study of the Manitou Mounds, the largest burial site of its kind in North America, and it holds great potential.

The two ministries involved, in their positions, are supportive. The Ministry of Culture and Communications sees the promotion of this northern cultural development as a priority, and that ministry, along with Northern Development Mines, has co-operated in the past and will continue to do so.

In conclusion, let me say that what has been done has been good, but it is obvious to everyone that a great deal more can be done; a resolution of this sort goes a long way to furthering that.

**The Acting Speaker (Mr. M. C. Ray):** If there are no other participants in the debate, the member for Sudbury to wrap up.

**Mr. Campbell:** First of all, I am gratified with the number of members who chose to speak on my resolution, particularly those from southern

Ontario who perhaps will help us in northern Ontario deal in more concrete terms with the kinds of things we have been talking about this morning.

I am very pleased that the member for Scarborough West participated in the debate and particularly that he has joined the ranks of us who have moustaches. I am pleased to see his return because I think it adds to his visage and he is more photogenic. As a former video-media teacher, I can probably say that, if the member does not mind.

**Mr. R. F. Johnston:** I'll get you.

**Mr. Campbell:** I thought you already did.

In any event, in my summation I wanted to deal with a number of the things that have been talked about this morning. I particularly appreciate the member for Lake Nipigon bringing in examples of northern art and bringing in the kinds of things that we can exhibit and be more marketable sources perhaps in the south. He mentioned about being closer to Miami than his home, being in this community, and I think that demonstrates the vastness of the territory we have to cover.

I very much appreciate the member for Markham (Mr. Cousens), and the member for Scarborough West again, talking from a southern perspective. However, the speech of the member of Markham was about taxes and about private sector giving, and it must be pointed out that the tax structure in the United States encourages more private sector development. The governments in the United States do not participate to the same degree through their government direct programs, but encourage taxation. That is why the US companies, for the large part, are able to take advantage of those kinds of tax programs to allow support of the arts to take place.

I think attitudes are changing. As I pointed out in my opening remarks, the attitudes of southerners are changing as they become more exposed to northern Ontario art, whether it be native or ethnic northern art or other kinds of cultural pursuits.

For example, as I mentioned in my opening remarks, the Sudbury Theatre Centre, directed by Tony Lloyd, who has just retired. He built that, with a lot of community support in Sudbury, into one of the finest regional theatres in the whole country—not just Ontario but the whole country. I was pleased to serve on the Sudbury Theatre Centre board and be able to participate in the building of the new theatre, with quite a bit of support from both the federal and provincial governments.

A number of organizations have travelled to represent this province. I am proud of the Black Sea Kozaks, a Ukrainian group that represented Ontario—not just northern Ontario or Sudbury but Ontario—in Vancouver at Expo 86 and again in Australia at Expo 88. I am pleased that those kinds of things show that we can widen the market and the scope of the kinds of things we can do in northern Ontario and let the rest of the world know it.

I am pleased as well that the member for Port Arthur (Mr. Kozyra) brought the northwestern perspective regarding the cultural pursuits as being the best-kept secret. I know he has been active in cultural pursuits in his community, and he knows full well the kinds of programs in Thunder Bay that have been supported by our government.

I am very much gratified that the parliamentary assistant to the Minister of Culture and Communications brought the ministry's perspective to the debate and outlined a number of initiatives and programs. I think particularly of Moosonee and the work that has been done up there. I think also of a number of other cultural pursuits in northern Ontario that have been widely supported.

I purposely kept my remarks to the Ministry of Northern Development because I felt that the parliamentary assistant, the member for Downsview, would bring his perspective from his ministry.

In closing, this has been a very good forum to bring out a lot of the questions and comments that support, and I would hope continue to support, my resolution. I think it is important. A wider market and a wider scope of what we have to offer in northern Ontario has to be supported, nurtured and cultured to bring to the marketing centre of Ontario, which is Toronto—that is an accepted fact—more of an understanding by southerners in the whole process of the pursuit of arts and culture in northern Ontario.

A community or region that denies its cultural heritage, that denies the fact that it cannot perish as a civilization, does not survive.

#### ENVIRONMENT AND ECONOMY

Mr. Neumann moved resolution 59:

That in the opinion of this House, recognizing the critical importance of the Brundtland report of the World Commission on Environment and Development, Our Common Future, this House commends the government of Ontario for its active participation on the National Task Force on the Environment and

the Economy and for establishing the Ontario Round Table on Environment and Economy to develop a provincial sustainable development strategy; therefore, the government of Ontario should continue these efforts and:

1. Conduct a thorough review of its programs, policies and practices to ensure that the concept of sustainable development is applied within all areas of Ontario government decision-making; and

2. Implement a procedure for reviewing, on an annual basis, the progress made by all ministries, boards and crown corporations in applying the concept of sustainable development within their areas of responsibility.

#### 1100

**The Acting Speaker (Mr. M. C. Ray):** The member is reminded he has up to 20 minutes for his presentation and may reserve any portion thereof for his windup.

**Mr. Neumann:** In preparing for this resolution and the debate today, I have been encouraged by the support I have received from my colleagues in the House and also from community groups within our province. I have received encouragement from Pollution Probe, the Conservation Council of Ontario, the Federation of Ontario Naturalists and the Harmony Foundation of Canada among others.

The hole in the protective ozone layer is growing larger, acid rain is harming our trees and lakes, global warming threatens to harm our world in many ways, the rain forests are disappearing, the deserts are growing larger and our air, water and soil are being burdened with the waste of our society.

Stories such as these, which speak to the survival of our world, are in the news almost daily. Whales in the St. Lawrence River are dying and their bodies are so toxic they are classified as hazardous waste. Oil spills off our coasts cause great damage to wildlife and the environment. The issues of solid waste management, pollution in our rivers and lakes, erosion of our soils and resource depletion face decision-makers today.

Having inherited this legacy from the past, can we human beings, custodians of this fragile planet, alter our ways so that the legacy we will leave is one of hope for the future? We do not need to tell our children about these issues. They know and are voicing their concerns for their future more clearly day by day. These issues, while global in scope, affect us close to home and in our daily lives. They result from



our pattern of life, from decisions made locally in all areas of the world.

Each of us can find examples of sad legacies from the past right in our own communities. Beautiful Mohawk Lake in the city of Brantford was enjoyed by many for swimming, boating and fishing but a few decades ago. Today, such activities are gone; the lake is too polluted. The cost for cleanup will be high and while it may be possible to clean up the lake, and it should be done, I mention it today for the lesson we can learn.

Development of industry and housing and the style of that development in the area were a boon to many, but despite these benefits, the hidden costs not calculated back then resulted in the pollution of Mohawk Lake. In the same way, decisions we make today may force future generations to pay a costly price. That is what the concept of sustainable development is all about: development today that robs from the future cannot be sustained. From understanding this concept, we can build hope for the future.

Our concept of environment must also change. The environment is not something out there apart from us. We are part of it and what we do affects all other humans and life on earth. We must stop thinking of environmental issues as something separate and distinct. All decisions we make—how we live, what we eat, how we make our living—are in effect environmental decisions.

Individual awareness and actions, worthy as they are, are not enough. As legislators in Ontario we can make a statement. We can provide leadership. We can prompt action to embark upon a new direction with a vision for the future. We can become part of the solution rather than the problem. Today, as we debate this resolution, we are helping to raise the level of awareness and understanding and we are helping to show the need for change of direction. We have the opportunity to endorse an important concept that provides guidance for action at all levels.

We should not be overwhelmed by the size of the problem facing our world. We do not always need to wait for the big solution in order to take action.

The Brundtland report of the World Commission on Environment and Development was released in 1987. Let's listen to a few statements from this United Nations document:

"Most of today's decision-makers will be dead before the planet feels the heavier effects of acid precipitation, global warming, ozone depletion, or widespread desertification and species loss. Most of the young voters of today will still be alive. In the commission's hearings it was the young, those who have the most to lose, who were the harshest critics of the planet's present management."

Another quote, "The time has come to take the decisions needed to secure the resources to sustain this and coming generations." While documenting the planet's ills, the report was one of hope, but that hope "is conditional on decisive political action now to begin managing environmental resources to ensure both sustainable human progress and human survival."

Two basic principles emerge from this report: One, we must meet the needs of the present without compromising the ability of future generations to meet their own needs; two, environmental and economic issues are interrelated. While development can damage the environment, a deteriorating environment can constrain development.

The reaction to this report around the world has been encouraging. Canada's national task force has completed its report and round tables are being established in Ontario and other provinces. Municipalities and citizen organizations have taken up the challenge as well.

While the Ontario Round Table on Environment and Economy carries out its task, it is important that we, as legislators, take a stand, that we set the example, that the government of Ontario expand the application of the concept of sustainable development into all areas of decision-making.

By adopting this resolution, this House would be calling upon the government of Ontario to "conduct a thorough review of its programs, policies and practices to ensure that the concept of sustainable development is applied within all areas of Ontario government decision-making."

I will comment on this first point at this time. Such a review would supplement and strengthen the work of the Ontario round table by indicating strong leadership through example for the co-operative effort that will be needed in the broader community. Review will be ongoing and action can be taken along the way as feasible ideas emerge.

Major issues related to management of renewable resources and energy conservation

are obvious areas for ongoing review and action, but questions such as fast-food packaging in our cafeterias right here at Queen's Park or revising government-wide purchasing policies to be environmentally friendly need to be tackled as well. Virtually every ministry should become involved, although some areas will be more obvious than others.

I give three examples of possible involvement. First, in the Treasury, can taxation policies be altered to discourage purchase of products that harm the environment? Can we change packaging of consumer products through product standards? Alternatively, should taxation policy be used to achieve this goal?

Second, in the Ministry of Industry, Trade and Technology, how should criteria for grants or loans to industry be revised to reflect environmental concerns such as recycling?

Third, what role should the Ministry of Education and education authorities in our province play in this regard? Should curricula be revised to enhance awareness on these issues? Would an interdisciplinary approach lead to a more thorough and objective review of these matters by the students of our province?

Efforts along these lines are already under way in some ministries. Reducing acid rain, encouraging energy conservation and programs to foster recycling are but a few examples.

A good example of applying the concept of sustainable development is the decision this government took to discourage new mining operations from setting up new disposable town sites around their mines. By encouraging workers to settle in existing communities, infrastructures already in place are more fully utilized and more diversified communities provide strength for the future. Two towns that have benefited from this policy are Marathon and Manitouwadge. I had the privilege last year of visiting those two towns and seeing some of the results.

**1110**

Second, the resolution asks the government to "implement a procedure for reviewing, on an annual basis, the progress made by all ministries, boards and crown corporations in applying the concept of sustainable development within their areas of responsibility."

This is probably the most important aspect of this resolution because it recognizes that review and implementation should be an

ongoing process. The mechanism established will challenge key decision-makers to become involved in finding the new directions needed and in producing results as well.

Cross-ministry application of major principles or government policy is not anything new. The application of our government's multicultural policy is a good example. The Minister of Citizenship (Mr. Phillips) has the responsibility for ensuring that all other ministries are making progress in applying the multicultural policy. In a similar way, an annual review would ensure that sustainable development concepts are treated seriously by all key decision-makers at various levels.

I will conclude my opening remarks with some positive examples from my own community. The city of Brantford is planning to recycle mined-out gravel pits for its new industrial park rather than annexing farm land, which would have been easier and less costly to develop. This will be a better long-range choice.

Cascades Dominion last fall abandoned its production of egg cartons using styrofoam. This Brantford firm now uses recycled paper for all its egg carton production. Another firm in Brantford, Johnson's wax, well ahead of most companies, stopped using chlorofluorocarbons in its aerosol spray can products. It took this visionary decision in 1975 when it first learned of the danger to the environment, namely, the ozone layer. This was before the discovery of the hole in the ozone layer and well before the Montreal protocol. This example speaks volumes.

I look forward to hearing the comments of my colleagues in the House on this important matter. I would like to conclude by reading a statement from a report produced by the Conservation Council of Ontario:

"...The province needs to put out a statement of its vision of the future development of Ontario. This development philosophy should be clearly rooted in the notion of sustainable development. This should serve to give direction not just to the ministries with a central responsibility for policy in the environmental and resource management fields but also to all other ministries, from education to trade, whose policies and programs have a direct bearing on the demands made of the environment. Such a statement should recognize that, whether it is in our production processes, consumption patterns or lifestyles, our human behaviour can be encouraged, guided, cajoled



or regulated to be supportive of development that does not destroy or weaken our life-support systems of air, water, soil, vegetation and animal life, that does not deplete the genetic diversity in our environment and that does not erode the opportunities for sustainable development."

I will conclude my remarks at the end of the hour.

**Mrs. Grier:** I am pleased to support the resolution that has been put forward this morning by the member for Brantford and to acknowledge his sincerity in supporting the conclusions of the Brundtland report of the World Commission on Environment and Development, known as Our Common Future.

I acknowledge the government of Ontario has taken a lead in publicly recognizing the value of the recommendations of the Brundtland report. I am not quite as optimistic as the member for Brantford that public recognition has been translated into meaningful action to make sure those recommendations are in fact implemented.

In the two short years since the world commission reported, Gro Brundtland's name has become a household word around the world. She is the socialist Prime Minister of Norway. I am very proud to be associated with her and her party through the Socialist International. What she produced as chairman of that world commission was a global agenda for change, changes in attitude, changes in policy, changes in approach to our economy, with a linking of economic decisions with environmental decisions, pointing out to us how that could be done.

I think the impact of that book has been profound. It is equal to the impact a book by another woman had in 1962. I am referring to Rachel Carson and her book *Silent Spring*. Rachel Carson in 1962 alerted us to the dimensions of the problem that was occurring in our environment. What Gro Brundtland has done is to lay out a survival plan for the world, and in so doing, to remind us how long it is since *Silent Spring* was published and how much worse the problem has become in those intervening years.

There are two themes in the Brundtland report. One, as I have said, is the need to integrate economic and environmental policies and to make sure any economic decisions that are made are made fully cognizant of the impact those decisions will have on the

environment now and in the future. The other theme is the need for sustainable development.

In the report, Mrs. Brundtland has used the state of the underdeveloped countries, mostly in the Third World, to illustrate these themes. She has shown very graphically how western industrial capitalism is repeating in the Third World all the errors we have made in the west and is in fact imposing on those underdeveloped countries fearful environmental degradation.

The fact that most of the examples come from the Third World does not make those examples irrelevant to Ontario because we have, after all, our own Third World in this province. We have the north, our own underdeveloped equivalent of many of the underdeveloped countries of the world. We have the fourth world that is often referred to, our native people. I think it is ironic that at this time, when we are all talking about sustainable development, we seem to have refused to recognize from our own native people what sustainable development actually means. Our native people lived in this province and sustained its environment for many hundreds of years before we came along and began to allow our environment to deteriorate.

I have a couple of concerns about the reaction of this province to the Brundtland report. I am a little worried that the popularization of the phrase "sustainable development" and the fact it has now become a buzzword in our language will give rise to a lot of discussion about what it really means, that we will have lengthy arguments about the definition of "sustainable development" and pay lipservice in a whole lot of inconsistent ways to the fact we support the concept.

I am also concerned about the concentration that seems to be emerging on setting up structures and discussing the process and the organization by which we get to implement the recommendations of the Brundtland report. I worry that all of that concentration on process may in fact serve as an excuse to delay actually doing something and actually taking decisions in harmony with the recommendations of the Brundtland report.

The member for Brantford mentions the Premier's round table that has been set up to make recommendations as to how the Brundtland commission is to be implemented in this province. I think it is interesting that when that announcement was made last October, the announcement said the round table would

hold its first meeting in December. It is now February. The round table has not yet met. The budget, the resources for that round table have not yet been announced.

The point I want to make is that we do not have to wait for round tables and structures. We can get on with weighing the environmental consequences of every decision we make. We can make the environment integral to every action we have taken, not just in small ways like packaging but in major ways.

If this government truly supports the principles of the Brundtland commission, I assume we will not be building any more nuclear plants in this province because it will be essential we take responsibility for that technology from its cradle to its grave, and that includes its waste disposal. We would not dream of allowing Ontario Hydro to sell small reactors to the Third World, because that would be merely continuing the tradition of passing our problems on to underdeveloped countries.

1120

If we really believed in the recommendations of the Brundtland report, we would immediately amend the Environmental Assessment Act, which now only covers public projects, to make sure every project was subject to environmental assessment. We would not be spending months, years and millions of dollars in setting limits for emissions of toxic substances under the municipal-industrial strategy for abatement program or under revisions to the air pollution regulation. We would be saying that we would immediately move to zero discharge, because that was what we had agreed to in our Great Lakes water quality agreement with the United States some years ago.

I think the proof that this government is not really prepared to live up to the implications of supporting the Brundtland commission is shown by its actions in Temagami. If ever there was an example that makes the Brundtland report on the environment and development meaningful, it is the Temagami situation. If ever there was an opportunity to truly integrate economic and environmental decisions, it is in our attitude towards the survival of the Temagami wilderness. If ever there was an example where sustainable development could really be put into practice, surely it is in those wonderful pine forests of Temagami.

I support the resolution that is before us today. How could I not? It is the kind of

resolution and the kind of recommendations that are long overdue. When I see that philosophy put into practice in the daily decisions of this government, then I will be very proud that I have supported the resolution.

**Mr. J. M. Johnson:** I had not intended to speak on this resolution. In fact, the member for Leeds-Grenville (Mr. Runciman) wanted to speak on it, and I hope that he will be here shortly so that he can perhaps take the second turn around. He is tied up in committee; I think he has a motion tabled at the committee, so that is why he is not able to speak at this time. As I mentioned, I hope he can return.

I would like to go on record on behalf of my party as saying that we have no hesitation in supporting the resolution put forward by the member for Brantford (Mr. Neumann). Environment is so important. In fact, I would like to recall a former Minister of the Environment, Ms. Fish, who used to highlight its importance in nearly every speech by saying that "environment is only earth, air and water." It says a lot about what environment is. It leaves out nothing, so it is extremely important.

As I mentioned, I would even go along with commending the government of Ontario for its active participation on the National Task Force on the Environment and the Economy. That is saying something, coming from this side of the House; but at times the government should be commended and at other times criticized. Having commended it, I would like to just take a minute to criticize it.

The government has a responsibility right here in this province and this city and certainly in many areas of the province, such as my riding of Wellington. There are very serious environmental problems, and the single most important problem facing many areas of the province is the solution to the waste management controversy.

It is slightly off the topic, although it falls under environment, but I would hope that if I am able to commend the government on one initiative, then I should be able to offer it some constructive criticism on another issue: That is, for heaven's sake, it should put its mind to solving the problems that the municipalities have in obtaining permission for sewage expansions; show some leadership in solving the waste management crisis.

It is not a matter of simply coming up with a solution in one area and letting the others flounder through. It would seem to me that the



provincial government should provide leadership so that if a region or a county had a problem pertaining to waste, the solution that would apply to that area could perhaps be used in some other part of the province, so that we do not have to restudy the same problem, or presentations or projects in every single part of this province. Surely, we could have a more consolidated process. We have to go through the hearing process. I have no problem with that, but it is just that smaller municipalities, especially, need some guidance from the Ministry of the Environment to help make the right decisions to help solve their problems.

I will leave it at that and hope that the member for Leeds-Grenville is able to return from committee in time to participate. As a matter of fact, he is coming in now so I will sit down. He should have a few minutes left.

**Mr. Elliot:** As the previous speakers have indicated, our topic this morning is really environmentally sustainable development. It is indeed a pleasure for me to speak in support of this motion put by the member for Brantford. I am extremely pleased to expand upon his comments. As a former mayor of Brantford, he did an excellent job. He and his council implemented much sustainable development in his city while he was mayor there. His background lends great credibility to his motion. He has discussed the Brundtland report entitled *Our Common Future*.

I agree that it is very important the government of Ontario actively participate on the National Task Force on the Environment and the Economy. I also agree that it is most important that the Ontario Round Table on Environment and Economy is establishing a provincial sustainable development strategy. The government of Ontario should continue these efforts and conduct a thorough review of its programs, policies and practices to ensure that the concept of sustainable development is applied within all areas of Ontario government decision-making.

Further, it should implement a procedure for reviewing, on an annual basis, the progress made by all ministries, boards and crown corporations in applying the concept of sustainable development within their areas of responsibility. This is particularly important and true in the Ministry of the Environment.

Worldwide, throughout Canada and here in Ontario, there is compelling evidence that environmentally sustainable development is not only a possibility, but is already a reality in

many industries. One of our biggest challenges, the disposition of our garbage, is quickly becoming a vibrant growth industry.

Vegetation replacement, mainly trees, should be an opportunity for real growth. The lakes and streams here in Ontario and the oceans of Canada are largely untapped and are perhaps one of our richest resources, but our richest resource is our youth. By educating them properly, our goal of environmentally sustainable development will be achieved.

There are many examples, as I said before, in industry where this type of development is already in progress. I would like to highlight the waste management field. Until very recently almost all the garbage in Ontario has been landfilled. Under the leadership of the Ministry of the Environment, exciting new approaches are being formulated for the disposition of waste.

The 4R program is under way. The emphasis is on reuse, reduction, recycling and reclaiming. Curbside recycling will realistically allow us to reuse between 25 per cent and 35 per cent of our household waste. Further separation of waste at locations, hopefully close to source, should allow us to reuse an additional 25 per cent to 35 per cent of our household waste. The remaining waste must be broken down into two main types—that which decays or rots and that which does not. The decaying garbage may be composted or landfilled, but those sites may be reused because the residue may be reused as soil. The second type can safely be put in landfill because there are no emissions.

In my opinion, the golden rule for industry from now on should be, if your product has to be landfilled, do not make it. I am talking about cars, refrigerators, tires, batteries and so on. The theme for the 1990s should be, "No more landfill."

The soft drink industry, in collaboration with the Ministry of the Environment, has made great strides in beginning to address the landfill problem with its famous blue box program. I am told 1.7 million households will be using the blue box very soon. The goal is 2.2 million households by the early 1990s, and this represents 80 per cent of the households in Ontario. This is just the beginning. Apartments, the food service industry and institutions must address disposing of their waste in a manner similar to the blue box program.

The reuse-recycling concept, backed up by other considerations such as composting on a large scale and modification of packaging, will allow Ontario, by the end of the next decade, to have an environmentally sustainable waste management process.

I was privileged, on January 3, to represent the Minister of the Environment (Mr. Bradley) when we opened our fourth and final blue box program in the region of Halton. Halton Hills began a curbside pickup approximately 10 years ago. One of the main things that was highlighted in the speech that I read for the minister that morning was the fact that by collecting newspapers in Halton Hills alone, you could save in the order of 9,600 trees. This does not sound like very much at first blush, but when you take into consideration that there are approximately 840 municipalities in Ontario, and Halton Hills is probably about an average-sized community, that translates into more than eight million trees per year if every municipality was doing exactly the same thing.

To put it in context, the Toronto Star, in its weekend edition, uses the equivalent of 44,000 trees. This translates into 2.25 million trees per year for just the weekend edition. By recycling newsprint throughout Ontario, we could produce the Toronto Star on an annual basis without using any more trees.

We must recycle wood products. We must plant more trees. We must husband this valuable renewable resource.

I would like to spend a few moments to talk about a definition of "sustainable development." There have been several conferences with respect to this important concept recently. One was held in Sweden, in Stockholm. At that recent conference, the way they defined "sustainable development" was that suitable development must be ecologically, socially and economically sustainable.

One of the gentlemen there, Otto Soemarwoto, indicated that there must be four main components to sustainable development. The first is the need for agricultural and biological diversity. The second is the need to improve our ability to predict what will happen in the future through the use of applied and pure science. The need for governments to react quickly against events that are detrimental to the Earth's surface or to humans is the third. Fourth and finally, the need for citizens to exercise restraint in the use of pollution-causing agents, is probably the most important

because the underlined part at the end of that one is that we must be self-motivated.

I firmly believe that individuals and groups can make a difference. Every morning each of us must reaffirm our commitment to environmentally sustainable development as legislators. Each of us can practise recycling. Each of us can refuse to purchase overpackaged goods. Each of us can purchase items made from recycled materials. Each of us can strongly encourage sound reforestation practices. Each of us can take the time to be well enough informed to support sound, environmentally sustainable development.

As I begin to wind down my remarks, I would again like to commend the member for Brantford for his visionary motion. It deserves the support of this House. I support its intent with much enthusiasm.

As I conclude, I would like to read into the record part of a newsletter. I will not mention the municipality in the United States nor the county from which this newsletter came, but I will mention that the logo at the top says it is called the Conservation League and it began in 1934. In my view, they have one of the most up-to-date recycling recovery processes in the world. The newsletter reads:

"In 1987, the Resource Recovery Centre opened a 130,000-square-foot facility that includes state-of-the-art equipment used to recycle materials which otherwise would contribute only to growing landfill. Instead, materials are recycled and energy is saved."

I see that my time is growing very short. I would like to indicate that in the article they specifically mentioned at least five different items where not only is energy saved but the reuse of the materials is highlighted in a very positive way. I have a great deal of enthusiasm, as we approach this major problem in Ontario, that we will recover it in the context of the type of motion that the member for Brantford put this morning.

**Mr. Hampton:** This is a resolution which I find interesting, to say the least, because while I want to support the general intent of it, while I want to say that this is indeed the way we ought to be going, as a person who deals every day in my own constituency, in my own part of the province, with what seems to be one environmental disaster after another, or potentially one environmental disaster after another, I feel bound to say I like the resolution but I also feel bound to say that there is a lot that is not happening at this time and there is a lot that



the present government is doing which actually flies in the face of this resolution. I want to deal with some of those things to try to put something of practice and something of practical worth into the sense of this resolution.

It is a very good thing to say that "Ontario should conduct a thorough review of its programs, policies and practices to ensure that the concept of sustainable development is applied within all areas of Ontario government decision-making." I want to see that happen. I also want to make the point it is not happening now. In fact, some of the policies in the Ministry of Natural Resources are going in the opposite direction.

I also want to see the government of this province implement a procedure for reviewing, on an annual basis, the progress made by all ministries, because it is quite clear to me that if this were in place at this time, the Ministry of Natural Resources would get absolutely failing marks across the northern section of this province.

I think boards and crown corporations should also be required to apply this concept of sustainable development within their areas of responsibility. There is no doubt about it. It is long overdue.

I want to talk about the Ministry of Natural Resources and what it is not doing, and ought to be doing, in the face of this kind of resolution, because let us face it, if you come from the northern part of Ontario, the Ministry of Natural Resources is the ministry which has the greatest impact not only upon the lives and wellbeing of the people who live in northern Ontario but upon the very environment that we live with.

Let's take, for example, the issue of forest management. You would be hard pressed to find in Ontario a professional forester who would say that aerial reseedling of cutover land is better than hand-planted seedlings. You would be hard pressed to find someone who says it is just as good or better to regenerate by means of aerial seeding. Almost every professional forester out there will tell you that if you want to regenerate a forest efficiently, then you regenerate by hand with seedlings. You do that especially when you are in muskeg areas or rocky areas, which take in most of northern Ontario. Northern Ontario is overwhelmingly Canadian Shield. You do not have a lot of sand. You do not have a lot of deep soil available for replanting.

Yet, what policy has the Ministry of Natural Resources instituted in the last year? It is a policy of gradually stepping out of growing and planting seedlings and growing into more and more aerial seeding. And what is the rationale for this? The rationale is it is cheaper to seed by using aerial seeding. It is not more effective, it is not more efficient, you do not get the regeneration growths, but it is cheaper. That policy flies directly in the face of this resolution.

#### 1140

Let me give members another example. The Ministry of Natural Resources a couple of years ago instituted a \$10 resident fishing licence. The resident fishing licence was to be used to restock and regenerate the fish stocks that in many parts of northern Ontario have been so badly abused. Yet what is happening? Members need only pick out any edition of the magazines or press releases of the Ontario Federation of Anglers and Hunters to see it. What is happening is there have been cutbacks in the fish restocking and fish management program, again, by the Ministry of Natural Resources.

The money was made available, yet the money is not being used appropriately in a way that would be in accord with the resolution we are speaking about today. The Ministry of Natural Resources is failing badly—today, yesterday—and if the current policies are any indication, it will fail tomorrow in meeting the requirements of this kind of resolution.

Let's look, for example, at the paper industry in northern Ontario. It is an industry that is vital to the livelihood of that part of the province. It is vital to the many small communities that exist there. Paper mills, unfortunately, do two things that are not in any way helpful to the environment. One of them is that all kraft paper mills generate, as an unwanted byproduct, the very serious pollutant dioxin. There are kraft paper mills in northern Ontario that have been found to have very high concentrations of dioxin in their effluent.

The European Community is acting on this problem in 1989 and 1990, yet when asked when the Ontario Ministry of the Environment intends to act, the minister will not say. When we press the minister, he says: "Look at the regulations of the municipal-industrial strategy for abatement."

There is a problem with the MISA regulations. First of all, the monitoring system is

already a year behind. We look at the abatement schedule, which is not listed to take place until 1993. I suggest that in view of the fact the monitoring timetable is already a year behind, we will be lucky if we make 1994. That is not good enough. It is not good enough because dioxin is a long-lasting pollutant. It does not break down easily and is a very serious pollutant for all levels of the ecosystem.

Let us take air quality controls. The other unfortunate thing about paper mills and kraft pulp mills is that they pour out a stream of air pollutants. The paper mill in my own community last year exceeded the existing limits 421 times; on 421 separate, individual times the paper mill exceeded the existing limits. This cannot continue, yet there is—I will not say it is inactivity—hesitation on the part of the Ministry of the Environment to do more.

It seems to me the Brundtland report says one very clear thing. It says there is a close and inseparable continuity between the economics of the social system and the environment. What is so problematic about what the Ministry of the Environment and the Ministry of Natural Resources are doing in the north is that the longer they put off these things, the longer they put off the proper regeneration of the forests and the proper regulation and control of air pollutants and water pollutants from paper mills, the more difficult it becomes to put them in place without harming the economic infrastructure of those communities.

That is because after a certain point a paper mill company will say, "If you impose these restrictions on us, we will close the mill." After you have allowed a mill to continue to pollute in that way for 15 or 20 years, it becomes much easier for the corporation to walk away from it and say, "Well, to do the kind of work you require us to do now, it is easier and cheaper for us to walk away from it." So it is very important to impose these requirements and regulations early and to upgrade them, rather than let the situation continue and then have to do a crash course, because that can have very deleterious effects on the local economic environment.

We support the wishes and the would-be's of this resolution. We only say that the government of this province should be doing something now to show it is in agreement with the resolution contained herein.

**Mr. Runciman:** At the outset, I want to compliment the member for his interest in the environment and in the concept of sustainable

development, and to indicate, as my colleague the member for Wellington (Mr. J. M. Johnson) did earlier, that we will be supporting the resolution. I must say that in our view it is putting the cart before the horse to some extent, but that does not necessarily reflect in a negative way on the member's initiative in any respect.

We believe there is a crucial missing link in the proposal; that is, he has neglected to consider that there is no overall provincial strategy for the application of a sustainable development concept. I think it will be extremely difficult for ministries to apply a concept and a review process when there is no plan and there are no guidelines.

The national task force was clear that there must be advanced and integrated planning. To aid in the development of a plan for rational management and protection of resources, the task force recommended that every province and territory assume the responsibility for the co-ordination and development of conservation strategies in their jurisdiction. Those strategies would then be used as blueprints for sustainable economic development.

The member may be aware that Ontario began such a plan even before the establishment of the national task force. The previous Conservative government helped initiate and fund the Conservation Council of Ontario's assessment of conservation and development in Ontario. That report was entitled *Towards a Conservation Strategy for Ontario* and was released in May 1986. The report offered an overview assessment of conservation and development practices in Ontario and recommendations for the organization of the next steps to be taken in introducing a provincial conservation strategy.

Regrettably, since its release, the current government has virtually ignored the report. Before responding to the council's report, the Liberal government wanted to wait for the report of the national task force. That was one of its excuses. It has been over a year now since the report of the task force and still the government has ignored the work of the Conservation Council of Ontario. Because the council feels it is urgent that Ontario move ahead with a conservation strategy to eventually have a blueprint for sustainable development, the council has proceeded on its own initiative to do a follow-up study. We hope that will be released in the near future.



We can only hope the government will stand up and listen and use the efforts of the conservation council in tandem with the discussions at the environment round table to develop Ontario's blueprint for sustainable development. When this blueprint is in place, the proposals of the member for Brantford will be complete and effective.

There is another thing I want to mention. One of the problems in some respects with the small number in our caucus is that you do not always have enough time to prepare for these debates. But a concern of mine was reinforced yesterday with the release of a demographic study indicating that Ontario's population is going to increase by three million souls by the year 2010, much of that increase through immigration.

1150

It seems to me that when we are talking about sustainable development and conservation, one element that is consistently ignored and never touched upon is the question of population strategies for Ontario. I just do not think there is any population strategy or any real consideration being given to the implications of three million more people in this province by the year 2010. I personally would like to see consideration given to a royal commission on population growth.

If you take a look at what is happening in this province now, our health care system is overburdened. People are not able to attain the necessary medical services right across this province and the health care system is taking almost one third of the provincial budget.

Take a look at the education system. There was an article in the *Toronto Star* recently about the impact immigration is having on the education system in Metropolitan Toronto.

Traffic congestion: I have been living in Toronto on a part-time basis for eight years now and I have seen such a dramatic impact in terms of the traffic congestion problems.

You can look at the housing crisis. You can look at increasing crime. You can look at any number of questions that are tied into the very intensive and significant population growth in the Metropolitan Toronto area.

There are our natural resources with the increasingly rapid consumption of prime farm land in this province, the deteriorating highway infrastructure, social programs that are overburdened in many instances now and increasing demands on government in dealing with the current population load. There are

the energy generation requirements for this province in the future through Ontario Hydro. All are very significant questions that have a bearing on the population of this province. It is a critical element that must be considered.

**Mr. Speaker:** The member's time has now expired. The member for Brantford had reserved some time.

**Mr. Neumann:** I have enjoyed listening to the remarks of my colleagues in the House on this important resolution. I am not surprised to hear criticisms of the government and its policies. That is to be expected from opposition members. I am pleased, however, that the members opposite have indicated their support for the resolution.

Members will not be surprised to perhaps hear some positive comments about government initiatives in my concluding remarks.

The Ministry of the Environment has provided considerable leadership in this province and across North America in initiatives related to environmental issues. The budget for the ministry is up 51 per cent since the 1984-85 period. That indicates quite a commitment by this government to environmental matters. The Minister of the Environment has initiated a new approach within that ministry that tackles environmental problems head on, such approaches as those that relate to the "polluter pays" principle and a proactive role in environmental protection rather than a reactive one.

Comment was made about the municipal-industrial strategy for abatement. While there may be some criticism of that program, it is a bold new initiative that requires dischargers to meet standards attainable by the best available technology, periodically examining new technologies in a drive to eliminate persistent toxic discharges into our waterways. The absolute discharge amounts allowed to each source are capped and new limits are set on many persistent toxic chemicals previously ignored. I believe it is a very positive initiative of this government.

I mentioned in my opening remarks the progress made on acid rain. Another area of improvement is in the area of increased fines for polluters. Amendments to Ontario's three major environmental laws dramatically increased fines tenfold, \$100,000 per day, adding jail terms of up to one year. The most dangerous offences could incur fines of \$500,000 per day. This, accompanied by

stricter enforcement and follow-through, is a positive initiative of this government.

Proclamation of the spills bill is another area, and there is the establishment of the \$10-million security fund to provide timely and effective cleanup of spills. These are areas in addition to the ones mentioned by my colleague.

In conclusion, I would like to say that this resolution does not call for the production of more reports. I note the member for Leeds-Grenville made reference to this document, Towards a Conservation Strategy for Ontario. I have read the document and it is a fine document. I think it can help in guiding us along the way. I noticed, however, that having made reference to a report, he called for yet another report to be commissioned on population.

There may be a need for reports and studies to be done. My resolution, however, does not focus on the creation of new reports. I believe there is enough information available now about the basic principles of sustainable development, the concept that we should not be borrowing ecologically from future generations, the concept that environmental and economic issues are interrelated and that sustainable development means having decision-makers challenged in all areas of decision-making.

There is enough known about the basic principles for there to be leadership provided and direction given to all decision-makers within our areas of responsibility, so that we can become part of the solution rather than part of the problem. If that means a few decision-makers in Ontario squirm, let them squirm. This is private members' hour and we are challenging the government to move forward, as it has done, perhaps more quickly.

As well, I would like to comment again on the final point in my resolution, which calls for an annual review and a mechanism for monitoring what all the ministries, boards and agencies are doing. I mentioned the role the Ministry of Citizenship plays in implementing the government's multicultural policy and I noted with interest that the Chairman of the Management Board of Cabinet (Mr. Elston) has been given responsibility with respect to the Ontario round table. I find this encouraging because, along with the fine work of the Ministry of the Environment, perhaps it is important that a ministry such as Management

Board, which has links to virtually every ministry, take a responsibility in this area.

I submit that this resolution, if implemented by the government, as I mentioned in my opening remarks, would be complementary to and supportive of the initiatives of the round table. We do not need to wait to find out what the round table recommends with respect to the broader strategies in our society. We can be moving in many areas within the government, within the ministries and within different departments and agencies along the way. As feasible alternatives, as feasible measures are discovered, they should be implemented.

In conclusion, I am encouraged by the positive support indicated by my colleagues in this House. The issues we are debating today on this resolution are weighty issues. They are global in impact, yet they arise from the local areas all over the planet. As I mentioned in my opening remarks, we should not be overwhelmed by the magnitude of the problems before us. We should be challenged by them, because the solutions can be found individually and locally within our areas of responsibility, perhaps right here in this building at Queen's Park, in some of the things we do in our offices and in our communities. All of us should be challenged. That is the main purpose of this resolution.

I thank the members for supporting the resolution. I thank the various environmental groups that provided me with information to assist me in my research and in preparing me for today. I have enjoyed the debate. I look forward to the resolution being approved and seeing the response.

**Mr. Speaker:** That completes the allotted time for discussion on ballot item 59 and ballot item 60.

#### NORTHERN ONTARIO ARTISTS AND CULTURAL GROUPS

#### ARTISTES ET GROUPES CULTURELS DU NORD DE L'ONTARIO

**Mr. Speaker:** Mr. Campbell has moved resolution 60.

Mr. Campbell propose la résolution 60.

Motion agreed to.

La motion est adoptée.

#### ENVIRONMENT AND ECONOMY

**Mr. Speaker:** Mr. Neumann has moved resolution 59.

Motion agreed to.

The House recessed at 12 noon.



## AFTERNOON SITTING

The House resumed at 1:29 p.m.

### MEMBERS' STATEMENTS

#### VOTING BY PRIVATE MEMBERS

**Mr. Farnan:** Yesterday, I had a very few moments to comment on the concept of a free vote for Liberal backbenchers on the issue of Bill 113 and Bill 114. We have had a statement from the Premier (Mr. Peterson) in this House that indeed every vote was a free vote.

I think we have to distinguish what we mean by a free vote. In the eyes of members of the public, a free vote is similar to a vote taken on capital punishment at the federal level, where all members were free to vote according to their convictions and consciences. In this particular matter, the Liberal members of this House have been instructed right along the line on what to say when they make a speech and what to write in their letters. We will be voting today on the issue of Bill 113 and on Monday, presumably, on Bill 114.

I am not a betting man nor am I inclined to wager, but I am prepared to offer \$5 to any Liberal member who is prepared to bet. I will say that the Liberals will either vote in favour of the legislation or they will be absent from the House. Not one Liberal member will vote against this legislation, and here is \$5 that says that is the way it is going to be.

#### TRADE WITH UNITED STATES

**Mr. McCague:** Last year, the Treasurer (Mr. R. F. Nixon) went to Europe to speculate about possible tax increases in his next budget. This year, he went to England to write the epitaph for his government's hollow, short-sighted and politically motivated opposition to the free trade agreement.

The Treasurer's statement yesterday simply highlights the Liberals' doubletalk and bafflebagg on the FTA. The Treasurer said, for instance, that Ontario had concerns about the deal but not on the basis of tariff reduction. The Minister of Industry, Trade and Technology (Mr. Kwinter) was singing a different tune in 1986 when he tabled reports concluding that tariff reductions would cost this province hundreds of thousands of jobs.

The Treasurer's statement will be news to the Liberal members of the standing committee on finance and economic affairs, who, in their

report of last October, expressed serious concerns about tariff reductions.

We can add this to a growing list of cases which show that this is a government which not only does not do what it says it will do but does not even mean what it says. I can understand why the Treasurer leaves the country to make these kinds of statements and can only speculate that he carries a passport from the twilight zone, because that is where this government seems to develop most of its policies.

#### MARK AND HUGH WILSON

**Mr. Owen:** Despite the mild weather that has been with us here in Toronto, elsewhere in Ontario and in my riding of Simcoe Centre there has been sufficient snow to support the many thousands of Ontarians and visitors who enjoy winter activities. Simcoe Centre and Huronia as a whole offer numerous venues and opportunities for people to participate in their favourite winter sports. Cross-country skiing, in particular, is available right across our area.

Simcoe county boasts a number of competitive cross-country skiers, including Mark and Hugh Wilson. These 19-year-old twin brothers swept the top two places in the 14th Vachon Cup cross-country race held at Camp Fortune, Quebec, this past Sunday. They captured first and second in the junior free-technique 10-kilometre skating event and produced the day's two best times, to lead 164 other senior, junior and masters racers in this sprint distance.

Mark and Hugh are members of the national junior team and have been skiing competitively for approximately nine years. They moved to Barrie from Gloucester, near Ottawa, a year and a half ago. We join their parents in the pride of their sons' excellence in sport and assure them of our continued support and good wishes in future achievements.

#### RETAIL STORE HOURS

**Mrs. Grier:** I want to put on the record today some thoughts about Sunday shopping that have been movingly expressed by pupils of St. Ambrose school in my constituency.

Katherine Silveira writes: "I think that shopping on Sunday will destroy our families because moms, dads, brothers and sisters will be forced to work and be away from home. My mother works at Eaton's Sherway. She already has to work one night a week and if she works on Sunday we

won't be able to go to mass, eat dinner together or do girly things that girls, excuse me, ladies do. Please vote for no Sunday shopping."

Katie Antonczyk writes to tell me what is happening to the families of her friends: "We think that Sunday shopping should be stopped because it will break the love between our families. The Raparello family is breaking up, her father is gone and she hardly ever sees her brother because he is always working. The Russo family is not always together either because her father works every Sunday and he gets home all moody and grumpy. The Antonczyk family is not communicating very well either because her father works until about seven and she cannot go out or even spend some outings together."

These young people in Etobicoke-Lakeshore have proven once again that St. Paul's words to the Corinthians apply to this Liberal government:

"When I was a child I spake as a child, I understood as a child, I thought as a child, but when I became a man I put away childish things. Now I see through a glass darkly, but then face to face."

#### DEVELOPMENTALLY HANDICAPPED

**Mr. Jackson:** I rise today to bring to the attention of the Premier (Mr. Peterson) and the Minister of Community and Social Services (Mr. Sweeney) another example of this government's commitment to breaking promises.

In May 1987, this government announced, in typical Liberal fashion, the media release of a plan entitled *Challenges and Opportunities: Community Living for People with Developmental Handicaps*. The plan was announced as a seven-year program that would see the closure of institutions for the mentally handicapped. The individuals who relied on these institutions would have the opportunity for a greater quality of life by living in the community.

What the announcement did was raise hopes and expectations in parents that their children were coming home. This government's election promise has turned into a governing excuse. This seven-year plan has now become a mysterious multi-year plan.

This government is presently putting more money into institutional care than into community living. As a result, salary imbalances are reaching crisis proportions, with loss of personnel and lowered expectations at a time of increased challenges to meet higher client needs. This government has cancelled the intermediate step program between group homes and independent apartment living. Groups like People First

were created and have become enthused solely on this government's promise to provide real jobs. The parents, who for years kept their children at home, bought this government's promise.

I say to the Premier that the Ontario Association for Community Living and the families and children it serves are going to starve on a diet of this government's promises.

#### ENVIRONMENTAL PROTECTION

**Mr. Adams:** Concern about the environment has grown to such an extent that some people have become very pessimistic about the future.

I would like to inform the House of hopeful signs in one small community, Peterborough.

We were the first of the blue box communities, after decades of volunteer, community-run recycling. The city and the province are to double the capacity of Scott's Plains Recycling and relocate it so that it will be accessible to rural communities.

A group of grade 8 students have gained national media attention for their knowledge of the greenhouse effect. They have lobbied local politicians and have organized a group of senior high school students to take part in a demonstration this Saturday to show their concern.

At Trent University, the Ontario Public Interest Research Group has for many years performed research and public education activities on environmental issues.

At the other end of the age spectrum, a senior citizen has arranged a public viewing next week of the award-winning TVOntario documentary on the greenhouse effect. This same person has been on more than 30 radio stations across North America discussing the disposable diaper issue.

The Mayor's Citizens Committee on Sustainable Development is fully operational, and the community has two members sitting on the Premier's Ontario Round Table on Environment and Economy.

When young and old work to combat environmental issues, there is hope.

#### HIGHWAY CONSTRUCTION

**Mr. Cousens:** I was asked this morning by one of the people who works in this Legislative Building when we are going to do something more to promote the construction of Highway 407.

I feel I have missed an opportunity in the last few weeks. I have not had a chance to remind this House of the importance of doing something about the road networks around Metropolitan



Toronto. One of the reasons I have not done that is that the Minister of Transportation (Mr. Fulton) has not been around for us to pick on him and remind him. I hope he is not sick.

**Hon. Mrs. Smith:** He is sick.

**Mr. Cousens:** I hope he gets well soon so he can come back here and get to work on building Highway 407. This House has a responsibility to do good things across the province. I hope the minister gets better by my wishing him well.

**Hon. Mr. Conway:** Spend, spend, spend.

**Mr. Cousens:** We have to have our priorities in order. If those guys think they can successfully lead this province, they are not going to do it unless they do something to build the infrastructure for the people.

1340

## STATEMENTS BY THE MINISTRY

### SKILLS TRAINING

**Hon. Mr. Curling:** Technological advances, demographic trends and changes in international trading patterns will have a major impact on the economic environment over the next decade and will exert escalating pressures on our labour markets. If we are to remain competitive in a new global economy, Ontario will require a highly skilled and adaptable workforce. Skills training is critical to our capacity to meet these challenges.

Today, I am tabling a paper that proposes a renewed federal-provincial training partnership. It is called Building a Training System for the 1990s: A Shared Responsibility, and it outlines the province's negotiating position for the upcoming federal-provincial training talks.

Ontario is committed to working with the federal government and its other partners to put in place an effective and positive system where adult workers can undertake training and retraining in the 1990s. The positions set out in this paper represent the directions shared through ongoing talks with labour-market ministries across Canada as well as Ontario's training community.

The federal-provincial partnership is governed by an agreement on training which was signed in 1986 and is due to expire March 31, 1989. The negotiation of a new set of agreements between our two governments presents an opportunity to review the partnership and ensure it is appropriate to the challenges facing the province in the next decade.

Ontario is committed to working with the federal government to ensure that federal expen-

ditures complement provincial efforts to build a training system. Towards this end, Ontario will continue to advocate a number of changes in federal policy.

The government of Canada should reaffirm its commitment to skills training as an economic investment.

The government of Canada should implement a comprehensive system of income support for trainees to remove financial disincentives for many who could benefit by upgrading their skills.

The government of Canada should ensure that adequate training opportunities exist for employment-disadvantaged individuals to become full, contributing members of our society and for displaced workers to be reintegrated into the workforce.

The government of Canada should commit itself to making language training available to all immigrants, enabling them to participate in training and employment opportunities.

The government of Canada should support the existing training infrastructure in the province, enabling it to provide more effective training and ensuring a more efficient use of public funds.

These principles for federal action will guide the government of Ontario as we renegotiate our training agreement with the federal government leading up to March 31.

We are negotiating another agreement with the federal government. An agreement to enhance the employability of social assistance recipients will provide an important opportunity to improve self-employment prospects of benefit recipients. We are keen to sign such an agreement within the context of our larger training relationship with Ottawa.

Now that the federal cabinet has been sworn in and my counterpart, Ms. McDougall, is continuing as Minister of Employment and Immigration, may I take this opportunity to congratulate her on her reappointment. The government of Ontario welcomes the opportunity that her reappointment will bring and I look forward to meeting with her at the first opportunity to begin our negotiations.

### BEEF MARKETING

**Hon. Mr. Riddell:** I rise to inform the members of this House of an announcement about the beef cattle industry in Ontario. As I stated in this House at an earlier date, Ontario beef cattle producers will have an opportunity to vote on two questions affecting the future of the marketing system for their industry.

The vote comes as the result of a recommendation made by the Beef Marketing Task Force, which I established in February 1988 with the mandate to develop a plan of action aimed at achieving a long-term, viable beef industry in Ontario. In forming the 16-member Beef Marketing Task Force, every effort was made to ensure representation from all sectors of the beef cattle marketplace. The task force was supported by the Ontario Cattlemen's Association and the Beef Producers for Change, both of which were represented on the task force.

The Beef Marketing Task Force recommended that beef cattle producers in Ontario be allowed to vote on whether they want to alter their present marketing system. The vote, which will be held on April 14, is being conducted by the Farm Products Marketing Commission through a mail-in ballot asking producers two questions:

1. Are you in favour of the proposed producer-controlled marketing commission which would regulate the sale of all beef cattle in Ontario?

2. Are you in favour of the above proposed producer-controlled marketing commission working toward a national beef cattle marketing plan with the authority to manage supply and determine price?

I want to make it clear to the members of this House that these questions were developed by the consensus of a vote committee representing the Ontario Cattlemen's Association, Beef Producers for Change and the Ministry of Agriculture and Food. The group also prepared an information package which will be mailed with the ballot.

The vote committee has agreed upon and set the voter eligibility criteria to involve all Ontario producers who produced four or more head of beef cattle for at least 45 consecutive days in 1987 or 1988. Beef cattle includes dairy and beef breeds.

As well, the Ontario Ministry of Agriculture and Food is arranging a series of 41 information meetings across Ontario in late March and early April. The meetings will take the form of a debate between representatives of the Ontario Cattlemen's Association and the Beef Producers for Change. In addition, we are installing a toll-free information line.

The results of the vote will be announced in May, at which time I will accept the vote of 60 per cent as a clear signal that producers want to alter their marketing system.

This vote seeks the consensus of beef cattle producers to decide their future marketing system. I am pleased that the ministry could act

as a facilitator in establishing the groundwork for this very important vote, and I would like to take this opportunity to thank chairman Dr. Ken McDermid and the members of the task force and the vote committee for their commitment and dedication toward this important endeavour.

## RESPONSES

### SKILLS TRAINING

**Mr. R. F. Johnston:** I would like to respond to the statement of the Minister of Skills Development (Mr. Curling) based on the report he is introducing today regarding building a training system as a shared responsibility. He lays down what it is the federal government should do, which is an interesting notion of sharing.

I thought perhaps it would be good for members to know and for the public to know what this government's part of that responsibility has been and how it has neglected its responsibilities on training.

This government has committed itself to increasing the number of women in apprenticeships and increasing the percentage of women taking apprenticeships in Ontario. Members will be interested to know that although apprenticeships are up to 45,000 this year, about the number they were back in the early 1980s, the percentage of women in apprenticeships has dropped, has actually dropped.

Let's look at their Transitions program, which is a training program for older workers, a much vaunted program of which they have been able to spend barely a pittance, a tiny proportion of the \$8 million initially slotted for this. Why? Because the criteria are absolutely useless to most of the workers who wish to participate. It is not the kind of program that is at all useful. If it were a program that started when we knew a plant was going to be shut down, as I said to the minister during the estimates, if it were something we could get into the plant six months before those workers were laid off so they could be retrained for specific work, then it would be useful, but as it is now, hardly anybody is even bothering to participate.

Let's look at the emphasis on apprenticeship versus other programs in the money that actually goes in from this government. Let's remember that most of the money that goes in is actually federal dollars. There is very little provincial money that actually goes into apprenticeship at all, except if you are a university graduate and you want to be an international marketing intern; then this government will give IBM Canada



\$30,000 over two years to allow this marketing intern to participate in that poor, impoverished corporation, while it will only give a tradesman, who maybe needs \$6,000 or \$7,000 or \$8,000 worth of tools, \$750 towards his tool needs. That is the priority of this government in terms of training.

### 1350

Let's look at the fact that this government has no concept at all of what the number of apprenticeship categories should be, how we should increase those or what the role should be in terms of meeting the targets that were set. For instance, this minister and his deputy minister told the government and cabinet that they could not meet the target of 60,000 apprentices they had promised with the resources they have, and yet this cabinet said they could have no more money. They have already decided they are not even going to bother to try to meet those kinds of criteria.

Why is there nothing in this about how the minister has failed the disabled? The participation rates of the disabled in training programs is abysmal in this province, and yet there is nothing in this document about the minister's responsibility. He even has the nerve to slough off the English-as-a-second-language training responsibilities on to the federal government in this document, as if that is something that Ontario should not be providing to its immigrants and refugees who come into this province.

There is a lot missing from this statement of shared responsibility, and that is perhaps because this government has taken none.

### BEEF MARKETING

**Mr. Wildman:** I would like to respond to the statement by the Minister of Agriculture and Food (Mr. Riddell). At the outset, I would like to say that we are happy to see that the committee has reached a consensus. It is a long-awaited one, and I am glad that the vote is going to be taken.

Obviously, the crucial questions were the wording of the questions and the definition of a beef producer. I note, though, that in the wording of the questions that the committee has arrived at, producers are being asked if they are in favour of a system which will be a national one or working towards a national one.

While we agree that is certainly desirable, whatever the decision, we wonder what this government will do in Ontario if 60 or more per cent of the producers voting and who are eligible to vote choose a change in the marketing system. Is this government then going to be prepared to

act in Ontario to establish a new marketing system, perhaps with supply management, if that is the desire of the producers? We should be working for a national plan whatever the decision, but we also should be acting on the wishes of the producers in Ontario in the interim.

**Mr. McCague:** I would like to make a comment or two on the statement from the Minister of Agriculture and Food. I am pleased to do this on behalf of my colleague the member for Stormont, Dundas and Glengarry (Mr. Villeneuve), who is studying agriculture in another jurisdiction at the moment.

It is hard to argue with the statement that the minister has made today. I just wonder, though. It is a well-known fact that the Beef Producers for Change wanted specific reference in the question to costs of production. I can only hope that they can live with this question, which, as the minister says, has been developed through co-operation and the two associations.

Although this is long-awaited and has been promised for several months, we are happy to see that the minister is now about to put the question before the farmers.

### SKILLS TRAINING

**Mr. Cousens:** I would like to make a few remarks to the Minister of Skills Development (Mr. Curling). Shame on him, shame.

How can he begin to say he is going to have negotiations with the federal government when he starts off by lambasting it in this presentation? He just does not know how to negotiate with another political power when he is going to start it that way. Just shame on him. He has not learned a thing. Two years in the job and he does not know how to begin to set up a relationship.

The federal government in 1987-88 agreed to give this government of Ontario \$35 million and ended up giving it more than that: \$37.4 million. In 1988-89, they agreed to \$37 million and ended up giving \$37 million. The fiscal irresponsibility starts with the minister. He thought he should get a little bit more, and because he could not live within it, he starts blaming them.

His statement today says the federal government should do that, they should implement this; not once does he say, "Thanks." If he is going to have a working relationship with another level of government, he should start working together with it and give credit where it is due. They are giving the leadership and he is following. He is not even doing a good job following.

**Mr. Jackson:** I too would like to comment on the announcement today by the Minister of Skills

Development, an interesting document with its typical red Liberal gash on it. For the second time in as many weeks, he states this government's commitment to a negotiating position.

If the federal government has been watching the way the David Peterson government negotiates with the Ontario Public Service Employees Union, if the federal government has been watching the way the David Peterson government negotiates with teachers, doctors, nurses, optometrists and social service workers in this province, then the government of Canada will know the bargaining position exactly.

The government of Ontario will take any group down the path on a negotiating process past an election, to the gate and then it will drop its hand. That has been the reputation that this government has now achieved in terms of negotiating processes.

In terms of reaffirming its commitment, why was it that this minister's predecessor announced that 1987 was going to be the year of apprenticeship and then found out that not even a single person from the Ministry of Education was invited to help build that system?

**Mr. Cousens:** Not one?

**Mr. Jackson:** Not one person from the Ministry of Education. We have seen a decline in provincial dollars in programs that are 100 per cent financed here in Ontario. We have seen the women in trades and technology program and older worker programs with 100 per cent Ontario dollars phased out. We are seeing those programs phased out.

This government cannot point a finger at the federal government and talk about its commitment when this government's own is declining. The fact of the matter is, and I agree with my colleague the member for Scarborough West (Mr. R. F. Johnston), that this document is an admission that Ontario under this Premier (David Peterson) lacks the vision, lacks the planning and lacks the management necessary to develop a world-class workforce.

## ORAL QUESTIONS

### RENT REGULATION

**Mr. Breaugh:** I have a question for the Minister of Housing. The numbers are out now for the rent review process as of the end of December. We are gradually whittling away at a process and a little bit more than 22 per cent of the rental units in Ontario are still caught in the process. In another decade or so, this system may work.

My question is precisely about the decisions that have been reached. Can the minister explain why better than 90,000 tenants who have now had a decision from the rent review process have been faced with an average increase of 11.4 per cent when the announced guidelines are somewhere around 4.7 per cent and the rate of inflation is at a similar level? How does the minister explain that what she publicly announces as a guideline turns out, in practice, to be useless and that the actual rent increases are more than double what she promised they would be?

**Hon. Ms. Hošek:** The member opposite knows full well that the guideline is meant to cover rent increases to manage the normal process of managing the building properly. However, there are a large number of buildings in which major capital improvements are being made. Buildings are being repaired and work is being done to make them better, safer and cleaner. When there are significant capital costs and other costs associated with running a building, some landlords come forward to rent review to ask for an increase above the guideline, and those are the ones reflected in the percentage that the member has there.

**Mr. Breaugh:** The capital improvement seems to be in the landlord's pocketbook. Here is a woman, Mrs. W. T. Gresham, who has been caught in this web. She lives in an apartment at 507 Dundas Street East in Whitby. Her rent over the last four years has increased by 50.1 per cent.

How does the minister explain to her that, in a building that has not had substantial improvements in any sense of the word—the building has in fact been sold several times, but there has been no major improvement in the building itself—her rent has increased 50 per cent while this woman, living on a fixed income, has had nowhere near that kind of increase in her pension? How does the minister explain to her that such dramatic increases occur regularly when the minister says that the increase should be only 4.7 per cent?

1400

**Hon. Ms. Hošek:** The increase in rent is based on a variety of factors. One of them is capital costs and the other is economic and financial loss. I should tell the member opposite that the average tenant rebate, in the time that we have been dealing with rebates in the rent review system, has averaged 14.6 per cent, which means that a significant number of tenants have in fact received rent money back.

For the person the member is talking about and for all people on fixed income, I realize this is a



serious issue, but the issue is the fact that they are living on a fixed income. There is no way that rent review by itself was meant to take care of the rental housing needs of people on fixed incomes all by itself. That seems to me to be a separate issue.

What we are talking about is making sure that no rent increases that are unjustified are paid by tenants and that we make reasonable recognition of the cost of running a building and the financial cost of managing a building. Unless there is such recognition, there is not going to be any private rental housing in this province.

The quick quip about capitalization is really misplaced, as I think the member knows, because unless buildings are properly repaired and maintained, they are all going to fall down eventually. It is extremely important that buildings be properly maintained and that capital improvements be made in the building stock of this province.

**Mr. Breagh:** It is the tenants who are falling down.

Mrs. Gresham seems to have figured it out. She perhaps is a little smarter than the minister. In her letter to the minister of December 14, 1988—and I really would like to hear what the minister had to say to her—she said:

"So the question has to be asked: Why would someone purchase a rental building with an obvious yearly loss of about \$50,000, unless there was a loophole in the legislation whereby the tenants would be assessed to eliminate the interest on the loan?" It seems to me that she has gone directly and very cleverly to the heart of the problem.

The minister has created an act and a system whereby people who buy apartment buildings cannot possibly lose money because she guarantees that their speculation will be paid for by the tenants in that building. Why does she continue to allow Mrs. Gresham and others like her to become the victims in her rent review process?

**Hon. Ms. Hošek:** The member opposite knows full well this legislation has a number of parts which were meant to balance each other. I am not going to claim the legislation is perfect, but I do believe that it does work in a relatively balanced way. It also seems to me very important to recognize that it is important that the legislation take account of the fiscal and economic realities of the marketplace in which landlords and tenants work together. I think the legislation does that in a reasonably fine way.

#### CANCER TREATMENT

**Mr. D. S. Cooke:** I have a question to the Minister of Health and it is again about the crisis

in Ontario's health care system. Specifically, it is in regard to the announcement she made on June 29, 1988, regarding cancer treatment. At that time the minister said that additional funding was being provided to deal with "the significant increase in the number of patients requiring treatment."

She said, "We are committed to providing a co-ordinated and effective system of cancer care in Ontario." She also said, "Escalating the war against cancer has priority status with the Ministry of Health." If the war on cancer is a priority with her ministry, how can the minister say she is fulfilling that commitment when 43 of the 202 in-patient beds at Princess Margaret Hospital here in Toronto are closed?

**Hon. Mrs. Caplan:** Our priority in this province is to provide the care that people need when they need it. We appointed a cancer care co-ordinator, who is at this moment reviewing cancer capacity and cancer care right across this province. We are working very closely with the Ontario Cancer Institute, Princess Margaret Hospital and the Ontario Cancer Treatment and Research Foundation to ensure that resources are available and work proceeds to make sure that Ontario will remain on the leading edge of cancer care in the world.

**Mr. D. S. Cooke:** That sounds very nice, but it is just not the case. The fact of the matter is that 43 of the 202 beds at Princess Margaret are closed. The fact of the matter is that 46 of the 123 in-patient nursing positions at Princess Margaret are vacant. There is a 37 per cent vacancy rate of nurses in the cancer facility at Princess Margaret, and Sunnybrook Medical Centre, the other facility that provides radiation therapy for Metro cancer patients, is dealing with twice as many patients as that facility was designed to deal with.

I would like to ask the minister again how she can possibly say that the treatment of cancer patients in Ontario is a priority with those statistics being a fact in Metropolitan Toronto.

**Hon. Mrs. Caplan:** It is important for the member opposite to know that cancer care is provided in numerous hospitals across this province, in Ontario cancer treatment and research facilities, in clinics in Hamilton and Sudbury. In fact, there has been expansion of those treatment facilities. I can tell the member that we are working very closely with the leadership of cancer care in the province and we are ensuring that resources are made available when and where they are needed.

**Mr. D. S. Cooke:** I do not think the minister understands the long-term impact that these

vacancies in nursing positions are going to have in cancer care in this province.

Does the minister realize that because these hospitals do research, they need higher staffing ratios—in other words, more nurses than most treatment facilities in the province require—and that because those nurses are not available, research is going to be cut back? Patients who are involved in clinical trials will not be able to participate at the same level, because they have to have in-patient care.

If the minister understands those long-term, detrimental effects in Ontario on cancer research and treatment, what is she prepared to do if she is not prepared to reopen the contract with the nurses of this province to satisfy some of those concerns? If she is not prepared to do that, what is she prepared to do to get more nurses into cancer treatment in this province so that we will not have another crisis?

**Hon. Mrs. Caplan:** In fact, and it is important for the member to know, as I mentioned, cancer care is provided in numerous centres right across this province. I can tell him that my priority is always patient care and having access to that care as close to home as possible—effective quality care.

I can tell the member as well that we recognize the importance and priority of both research and education, and that is why we are working very closely with the Ontario Cancer Institute and the Ontario Cancer Treatment and Research Foundation to make sure that we have not only quality and effective patient care but also excellence in research and education.

The member knows full well that the Ministry of Health is not involved in the negotiations between the Ontario Hospital Association and the Ontario Nurses' Association. I respect the collective bargaining process, and I am surprised that he does not.

### HOSPITAL SERVICES

**Mr. Brandt:** My question is to the Minister of Health as well. Talking about effective quality care close to home, I want to pick up on that theme. I wonder if the minister can share with us the number of surgical heart procedures that took place out of province, primarily in the United States, and were charged to the Ontario health insurance plan in the provincial fiscal year ending March 1988. Can she give us some idea of that number?

**Hon. Mrs. Caplan:** I can tell the leader of the third party that approximately 4,400 procedures were conducted in Ontario last year. That is

open-heart surgery, cardiac bypass surgery. It is my understanding that the numbers for out of province are consistent with the numbers of the previous years. There has not been what would be considered a change in that trend.

**Mr. Brandt:** I want to be helpful to the minister. I think her first response in terms of the total number of procedures in Ontario is in fact correct. The number of procedures that took place out of province was 204, representing approximately five per cent of all procedures. I am sure she would agree with that, based on the number that she just gave me. The amount of money involved in out-of-province procedures directly charged to OHIP averages about \$25,000.

When one takes that number, the minister will quickly be able to calculate, knowing how fast she is at these kinds of mathematical problems, that this amounts to something in excess of \$5 million annually. That is not including when one looks at the emotional and stress side of the cost to the patients who have to leave Ontario for procedures outside the country.

Is this price of over \$5 million and the additional strain on the patients who have to look for this option, by going to the United States primarily, acceptable to the Minister of Health?

**Hon. Mrs. Caplan:** As I said to the leader of the third party, in fact, the number of people choosing for whatever reason or finding themselves in the situation where they have surgery outside Ontario and outside Canada has remained fairly constant over the last few years.

I can tell him as well that a number of people from outside Ontario, from across Canada, from the United States and around the world come to Ontario to seek treatment because of the very fine quality care that is offered in Ontario's hospital system.

### 1410

**Mr. Brandt:** I have no particular difficulty with those who come here for the fine-quality care we have been able to deliver on occasion. However, I do have difficulty when more than 200 procedures for a life-threatening operation result in people being forced to go to another jurisdiction. I have difficulty when 130 people from this province are forced to go to a clinic in Cleveland and pay the additional cost and the additional time that is involved in going to that facility in order to get a life-saving operation performed.

I am concerned about the fact that all the trend lines indicate this five per cent may well increase. I think the number itself is very



dangerous and is too high. Can the minister assure this House that the number is going to start to come down in a reasonable period of time?

**Hon. Mrs. Caplan:** Last June, we committed significant resources to increase the capacity for cardiac surgery and cardiac care right across this province. As the honourable member knows, the number of people seeking care outside Ontario, for whatever reason, has remained constant for the last five years. I have been informed that with the capacity increase, the waiting times for urgent and elective surgery will be reduced. For those determined to be emergencies, care is provided on an as-needed basis by the physicians in this province.

#### VISITOR

**Mr. Speaker:** Before I recognize the next questioner, I know all members will want to join me in welcoming Edward Sargent, the former member for Grey-Bruce.

#### METROPOLITAN TORONTO HOUSING AUTHORITY

**Mr. Harris:** What I am holding here is a standard-issue bulletproof vest.

**Hon. Mr. Elston:** For the Tory convention.

**Mr. Fleet:** For the leadership race.

**Hon. Mr. Peterson:** Didn't they have your size, Mike?

**Mr. Speaker:** Order.

**Mr. Harris:** Some Liberals think it is funny that people in this city are working in fear for their lives. I do not.

Let me say to the Minister of Housing that the custodial staff at the Metropolitan Toronto Housing Authority buildings now feel they need to wear bulletproof vests in order to be able to do their jobs safely and without risk to either themselves or the tenants they serve. I wonder if the minister can explain how the situation has deteriorated to the stage where tenants, their families, and indeed now the cleaning and janitorial staff of the Metropolitan Toronto Housing Authority buildings feel they need to wear these to be able to perform their jobs.

**Hon. Ms. Hošek:** I hope the member will not need anything remotely like that at the time of his bid for the leadership.

Let me say the people who live in Metro Toronto housing are very concerned about safety, as we are for them. We are especially concerned about the people who work at MTHA. They are concerned about their safety and they are in the middle of negotiating a collective

agreement right now. The officials of the Ministry of Labour were meeting with the employees today. We will await their decision and will abide by it.

We have addressed safety and security issues by increasing police security and by evicting people who are drug dealers. Maintenance workers are able to work in pairs if they choose to do so. They have uniforms to distinguish them and to set them apart. We have set up various education programs inside MTHA to deal with issues of safety.

The other thing I am very pleased about is the co-operation between the people who live in our housing and the local police forces in dealing with whatever perceived or real problems there are in our housing. I believe we are doing some important things and working together to make changes in those buildings where there are such problems.

**Mr. Harris:** In the litany the minister has read out today and in any of the actions, she appears to have acknowledged, to have recognized and to be dealing with only the symptoms. The minister knows Mr. Sewell was very well known for his personal commitment to resolving the problems of drugs, violence and associated problems. The minister assured us that both she and Ms. Augustine, when she was appointed the new chairman, were committed to carrying out those reforms and proposals proposed by Mr. Sewell about a year ago now.

The problems clearly are becoming worse every day. I ask the minister what she and Ms. Augustine are going to do to address the problems, not recognize the symptoms, that have caused this situation we are faced with today?

**Hon. Ms. Hošek:** Ms. Augustine has been given a mandate to make whatever changes she deems necessary, and working together with the Metro Toronto Housing Authority, she is indeed doing that. I have met with Ms. Augustine and I know she has an agenda for reform. Has the member met with her? I do not know.

It seems very clear to me that the work we are doing is very much committed to making sure our tenants live in as much safety and security as is possible. I should also remind the member and the people in the House that our tenants are among the most active people working with us to make sure our buildings are as safe as they can possibly be.

Let me put some of this in context, if I might. I have to say that unfortunately, as everybody in this House actually well knows, drugs are a pervasive problem all over our society. They are

not located in only one place and the problems we have in the society with drugs are unfortunately not easily pointed at in one location.

At the least, in the Metro Toronto Housing Authority we are working actively to make a difference for the people who live there. They are actively involved with us and with police forces to make a difference. I believe we are turning this thing around and doing very good work in the Metro Toronto Housing Authority on this problem. I wish I could say the same for everywhere.

**Mr. Harris:** Clearly, nobody else believes that and I quite sincerely doubt the minister herself believes the situation is getting better.

I do not believe being shot at was what the people who wrote the Occupational Health and Safety Act had in mind when they drafted the regulations for that act. This problem was very predictable. This problem was foremost in Mr. Sewell's mind a year ago. These people—the tenants, their families and indeed the employees—now fear for their lives. That was not the case one year ago today. It certainly was not the case three years ago.

I ask the minister to do everything in her power so that tenants and employees do not feel they are living and working in what is becoming a war zone, because I believe this is not something that can be left to Ms. Augustine alone; it requires the minister, her cabinet colleagues, the Premier (Mr. Peterson), and a sincere commitment.

**Hon. Ms. Hošek:** If in his reference to shootings the member opposite is referring to the shootings that took place in North York in the Falstaff area in the past two days, let me tell the member I have a report that was given to me just recently from the police. Their conclusion, since they now have some suspects, is the following: "Evidence now indicates that the three shooting incidents are connected." That is something we did not know. "There is no evidence to indicate"—this is the police report—"that they are related in any way to the Metro Toronto housing development at 20, 30 and 40 Falstaff Avenue."

**Mr. Harris:** So there are no problems?

**Hon. Ms. Hošek:** I am not saying there are no problems. I wish there were no problems of violence anywhere in our society. These shootings took place in North York and the police report says there was no evidence to indicate these shootings are in any way related to that location. It seems to me very appropriate, at the very least, to listen to the police report, which is all the information we have at this moment.

## TRITIUM

**Mrs. Grier:** My question is for the Minister of Energy and it relates to the issue of the export of tritium. When my leader, the member for York South (Mr. B. Rae), raised this with the minister last week, the reply was somewhat confusing but seemed to indicate this government would only support the export of tritium for peaceful purposes and would support the guidelines of the Atomic Energy Control Board.

In 1986, the member for Hamilton Mountain (Mr. Charlton) raised this with the former minister and got a very clear commitment. The member for Niagara Falls (Mr. Kerrio) said: "There will be no tritium supplied to replace any tritium that might be used in the United States for anything other than peaceful purposes. I propose to make this mandatory. I will make certain there will be no displacement of tritium for purposes other than peaceful ones."

Can the Minister of Energy tell the House whether he agrees with the position taken by the former minister, and if so, how he intends to ensure that policy is followed?

**Hon. Mr. Wong:** In answer to the honourable member's question, let me be very clear and say this government does agree with the previous minister's statement. With respect to the question how this will be administered, we have the federal safeguards and guidelines. In addition, as I mentioned to the House, when and if this government makes a decision on the sale or nonsale of tritium, this will be one of the questions that will be addressed.

**Mrs. Grier:** I guess it is the "when and if" that concerns me, because we all know that the "ifs" are often longer than the "whens" for this government.

Surely the minister must recognize that the federal government's position and guidelines on the export of tritium are very weak. The federal guidelines allow the export of tritium to countries that have not signed the nonproliferation treaty, and the federal government allows broad ministerial discretion. It allows the provincial Minister of Energy to permit exports in all other circumstances.

Can the minister explain why there has been no leadership from this government? Being the minister of a facility that is producing tritium, the only one in this country, can he explain why we have not yet seen any leadership, any policy that the federal government might follow for a change? When are we going to see the policy?



**Hon. Mr. Wong:** This government is exercising leadership. In due course, the honourable member will see the specifics.

I wish to respectfully correct the honourable member and point out that federal regulatory controls do require that shipping is only to nuclear nonproliferation signatories or countries with equivalent agreements. Federal regulatory controls also refer to the Atomic Energy Control Board transport licences. Federal controls are also tied up with the Department of External Affairs export permits under the Export and Import Permits Act and with the importing country's regulatory approval.

Again, I would like to say to the honourable member that in due course we will make sure she is satisfied that all proper safeguards are adhered to.

#### AIR AMBULANCE SERVICES

**Mr. Pope:** This is to the memory of Cy and Doris. I have a question for the Minister of Health and it relates to the air ambulance service in northern Ontario.

Concerns have been raised since the tragedy in Chapeau and are continuing to be raised by nurses, doctors, medical staff at hospitals and the public with respect to the availability and quality of air ambulance transportation, particularly the use of dedicated jet aircraft out of Timmins, the mistakes that have been made in the transition of the contract from Air Ontario to Voyageur, and what is being done to make sure those mistakes do not happen again.

These questions are being raised throughout northeastern Ontario. We have had no detailed response from the ministry. I am wondering if the minister can give a response now in this House to these concerns that she knows exist.

**Hon. Mrs. Caplan:** I must question some of the premises on which the member's question is raised, but I can tell him and assure him that full service with jets is now available in Timmins and northern Ontario.

**Mr. Pope:** The minister has heard from representatives of nurses in northeastern Ontario, from hospital administrators—I know that for a fact—from doctors and from the public, expressing their very grave concerns about what happened in the transition period between full service being provided by Air Ontario and full service, which was just put in place last week, using the dedicated jet aircraft by Voyageur.

She knows those concerns are there about this transition period. She knows the mistakes that were obviously made. We are talking about Tom

Morrish and many others, including members of my own family. Mistakes were obviously made in this transition period. What is she is going to do to resolve those mistakes?

I have tried to get the information out of the minister and her ministry without success. I made an application under the Freedom of Information and Protection of Privacy Act.

**Mr. Speaker:** And the question?

**Mr. Pope:** Does she now want me to pay \$213? Here is her deposit for the information everyone is entitled to. Will she now release the information and tell us what in the world she was doing with the air ambulance service for northeastern Ontario?

**Hon. Mrs. Caplan:** The member knows full well that the regulations under the freedom-of-information act are applied equally and fairly to all members. He knows as well that like any other member, he could apply or anyone could apply for a waiver. I would tell the House today that the member did not contact the ministry's freedom-of-information office to request a waiver. He did not contact me personally or my office to request a waiver. Instead of political grandstanding on an issue of real concern, I suggest to him that he sit down and talk to me like a person.

**Mr. Pope:** Here are the letters. Why don't you tell the truth to the Legislature?

**Hon. Mrs. Caplan:** Did you request a waiver? Where is your letter requesting a waiver? You never requested a waiver. You never contacted my office. Cut the baloney.

**Mr. Pope:** I did so. Here are the letters.

**Hon. Mrs. Caplan:** You never requested a waiver. You never contacted my office.

**Mr. Speaker:** Order, the Minister of Health and the member for Cochrane South.

#### METROPOLITAN TORONTO HOUSING AUTHORITY

**Mr. Cordiano:** I have a question of the Minister of Housing. I want to return to the matter of the Metropolitan Toronto Housing Authority with respect to the neighbourhood at Jane and Falstaff, which is in my riding.

I have received a number of telephone calls and many people have made visits to my office over the preceding months with respect to security at these buildings. Tenants and surrounding area residents have been terrified of what has been going on in these buildings with respect to security. Essentially, they are sick and tired of the abuse they have had to put up with, the abuse of the neighbourhood by drug dealers,

etc. The root of the problem is with respect to outsiders who come into these buildings. That is the heart of the matter. What we need to do is address this problem.

I would like to ask the minister if she is prepared today to deal with the matters at hand at MTHA, to sit down with the chairman of MTHA and provide some immediate relief and immediate action on the whole question of safety and security for the people who live in the MTHA buildings and surrounding area.

**Hon. Ms. Hošek:** This concern the member has is shared by everybody in this province who is concerned about the pervasiveness of drugs and drug use in many places in the province, and the associated violence that sometimes accompanies that. MTHA has taken necessary steps to ensure people who live and work in those buildings are safe.

I should tell the member that I see the chairman of MTHA quite often and have spoken with her recently. I should also say to him that police patrols have been increased, security has been stepped up and drug dealers are being evicted. We have talked about that in the House in question period as well. We have made a commitment to make sure that if any people involved in drug dealing are actually in our buildings, they will not be there for very long. The community is working hard to make sure whatever dealing takes place on those premises can be stopped as quickly as possible.

I know this is a really important priority for the chairman because I have talked with her about it more than once.

**Mr. Cordiano:** I had the opportunity to meet with the chairman earlier this week. We discussed the very problem of security in these buildings. It was suggested in discussions with her that we might bring along live-in superintendents, have proper locks at the buildings and have monitoring cameras. Those might be some of the solutions we are looking for for security of these buildings. Can the minister look into these further.

**Hon. Ms. Hošek:** I will, of course, be glad to look into them further, but I think the most appropriate thing to do, which I would be very glad to make sure happens, is to have the member bring his suggestions forward to the chairman of MTHA and the MTHA board, so that they can consider them and make the decisions they think are necessary on all these matters.

## VOCATIONAL REHABILITATION

**Mr. Wildman:** I have a question for the Minister of Community and Social Services. As he knows, my colleagues and I have been touring the communities along the Highway 17 corridor in northern Ontario to learn the concerns of northern residents regarding health and social services delivery in northern Ontario. Can the minister explain why there are no vocational rehabilitation services available to residents of central Algoma at this time?

**Hon. Mr. Sweeney:** The honourable member will be aware of the fact that there is a reanalysis within my own ministry in terms of the reallocation of resources, particularly in different parts of the north. The member will be aware of the fact, for example, that the Minister of Health (Mrs. Caplan), the Minister of Education (Mr. Ward) and I are involved in the placement of professional teams in that area.

I cannot answer the specific question as to why they are not located in that particular area. What I will find out for the honourable member, if he does not already know it, is where the closest services are available, and I will pass that on to the member.

**Mr. Wildman:** It is not that they are not located there; they are not available.

Mel Baird, the director of education of the Central Algoma Board of Education, appeared before us in Sault Ste. Marie and informed us that two young students who have multiple handicaps and have done everything possible to go through high school and are now graduating, after a great deal of effort on behalf of themselves, the board and everybody involved, and who now need vocational rehabilitation in order to help them get into the workforce after they graduate from grade 12, have been informed that they will be able to get assistance in 30 to 33 months.

Why is it that two young people who are graduating from high school in this province and need vocational rehabilitation to help them get into the workforce to use the education they struggled for have to wait three years to get assistance?

**Hon. Mr. Sweeney:** I cannot speak to the specific example the honourable member has drawn to my attention. I would certainly concur with him on the basis of the information he has provided that it does not seem reasonable at all.

I would make two observations, however. The first one is that, in the past two years, we have put \$40 million of additional money into a range of community support services all across the



province. Second, with respect to vocational rehabilitation specifically, two of the difficulties we have to work with are the opportunities within any community, or close-by communities, to provide the specific kinds of services that people need. In many parts of the province we can meet them in a very short period of time if the range of services that particular person needs is available. In some cases it takes longer.

If the honourable member will share with me the specific names, I will certainly check with my office and see if we can do something to speed it up. It does seem an unreasonable length of time.

#### MENTAL COMPETENCE

**Mr. Eves:** I have a question for the Minister of Health. As the members of the House will recall, in April 1988, the Minister of Health appointed Professor David Weisstub to review the standard for determining mental competence of a patient under the Mental Health Act. The need for review became evident during discussions on amendments to the Mental Health Act. The minister herself decided, and rightly so, that some of the concerns about the act might be resolved if there were a clearer way of determining mental competence. Can the minister provide us with an update on the review and tell us when she will be able to table the final report?

**Hon. Mrs. Caplan:** Yes. As the member knows, this is one extremely difficult and challenging issue because passions are felt so strongly on the side of the right to treat patients versus the right of patients to refuse treatment.

The member will know extremely well that during the discussions and debate around the Mental Health Act, the former minister expressed grave concerns about the amendments that were proposed and in fact supported by both opposition parties at that time.

I established the Weisstub inquiry to bring together a panel of experts to advise me on how to proceed on this very difficult and challenging matter, and I am hoping that I will have a report from that inquiry by the end of this year.

**Mr. Eves:** While the minister and others, including myself, await the results of the review, many patients, particularly those with schizophrenia, are not receiving proper care or treatment. Today I would like to bring to the minister's attention a case with which she may well be familiar.

William Pakeman is in the gallery here today. His son Andrew was diagnosed as a schizophrenic. Since 1987, Andrew had been involuntarily admitted to hospital a total of 12 times, but due to

an unfortunate and tragic accident during an admittance procedure just this past January of this year, 1989, Andrew died.

Before the changes to the Mental Health Act, Andrew was receiving treatment and was making substantial progress. After changes to the act, Andrew began to refuse treatment and became stuck in the revolving door of mental health treatment for schizophrenics.

Will the minister tell this House how she plans to prevent more of these tragic accidents and how she plans to reform the system so people suffering from schizophrenia, like Andrew, start receiving appropriate care?

**Hon. Mrs. Caplan:** I have heard from numerous families struggling with very similar issues. I would say to the member again that many of these issues were brought to his attention and to the attention of members of the Legislature when the Mental Health Act was dealt with not so long ago. In fact, many of these concerns were expressed when his party and the other opposition party supported amendments which changed the practice that had been in place for quite some time.

The reason I established the Weisstub inquiry was because of how difficult this issue is to deal with. I am hoping to have those recommendations as expeditiously as he can give them to us so we can—

**Mr. R. F. Johnston:** That's outrageous.

**Hon. Mrs. Caplan:** —once again consider amendments to the Mental Health Act.

**Mr. R. F. Johnston:** Stop pointing fingers. You know you're the one.

**Hon. Mrs. Caplan:** You supported it.

**Mr. Speaker:** Order, the member for Scarborough West (Mr. R. F. Johnston), the Minister of Health. The member for Scarborough West has been reminded many times about standing order 24(b).

#### AUTOMOTIVE INDUSTRY

**Mr. Tatham:** My question is for the Minister of Industry, Trade and Technology. With CAMI Automotive coming into production in the near future, together with the Toyota plant and Honda plant, there will be more vehicles produced. What are the rules as far as free trade is concerned? Are all these vehicles included in the free trade agreement?

**Hon. Mr. Kwinter:** The general rule under the free trade agreement is that all automobiles manufactured in Canada which have a cost of processing that is 50 per cent North American

will be allowed to be shipped into the United States duty free.

There are also various companies which have auto pact status. Of the three companies the member mentioned, Honda and Toyota will not have auto pact status, but CAMI—and I am sure members will know CAMI is a joint venture between General Motors and Suzuki—although originally excluded, has been included and has been grandfathered provided it meets the 50 per cent cost of processing by July 31, 1989.

**Mr. Tatham:** I understand that early in January, a ruling by the United States Customs Service increased tariffs from 2.5 per cent to 25 per cent on Jeep-like vehicles and minivans. Until now, those vehicles have been classified by customs as passenger cars, but now these cars are trucks. What effect could this increase in tariffs have on Canadian sales of these vehicles in the North American market?

**Hon. Mr. Kwinter:** The member's observation is true that the United States Customs Service has increased the tariff to 25 per cent, but it will not impact on Canadian exports to the United States provided they meet the cost of processing rule.

Any trucks shipped from Canada to the United States which do not meet that provision will be assessed a 25 per cent tariff. They have been doing that all along anyway, so it should not have any effect.

### SOCIAL ASSISTANCE

**Mr. Allen:** To the Premier: This morning, before the standing committee on finance and economic affairs, three major groups—the Social Assistance Review Committee Consulting Group, which embodies about 40 different groups in the province, the group representing community legal services, and the Child Poverty Action Group—made their representations and laid out the moral and social challenges and the economic costs of poverty, and also the challenge the Thomson report confronts the government with.

Can the Premier tell me whether he himself has asked the Treasurer (Mr. R. F. Nixon) about, or whether there are in progress in his government, any studies which would tell us in fairly concrete terms what the economic costs—not just budgetary costs per year—of poverty and poverty factors are to the economy, public and private, in Ontario?

1440

**Hon. Mr. Peterson:** I am sorry I do not know the answer to my honourable friend's question—a

very legitimate question—as to whether there are specific studies with respect to the cost of poverty and broken down into its various components. I can certainly inquire of the Treasurer.

I can tell my honourable friend that the Thomson report is undergoing a thorough review by the government. I understand the attraction of my honourable friend to that report philosophically, as I can say that I think there is no question that the government is attracted philosophically as well.

As you know, that report in full implementation would cost about \$2.4 billion. It is enormously expensive. We are trying to analyse all aspects of it at the present time. That is all I can tell my honourable friend at the moment.

**Mr. Allen:** There are not just those costs out there, of course, which are the budgetary costs to the government and are the ones that I want the Premier to look beyond. In terms of enhanced employment, the application of energies, initiatives and productive capacity that lie untapped there, we undoubtedly have resources that can be fed back into the economy. I think we need to have some measure on that as we proceed with this report. I hoped the Premier would not use the budgetary element as a way of neglecting the moral challenge itself.

Can I ask him, none the less, why it would be, since I expect the Premier takes this challenge seriously, that the Economic Outlook and Fiscal Review that his Treasurer and the government recently issued paid no attention whatsoever to the contradiction of extreme poverty on the one hand and the affluence that currently marks the Ontario economy on the other?

**Hon. Mr. Peterson:** The Treasurer puts out a report quarterly with respect to the state of the finances as well as a report with respect to his projections for next year. It is an economic document in that sense, based on the figures as the Treasury department sees them.

I think there are other things inherent in my honourable friend's question with respect to the disparities between the rich and the poor—and they are there. My honourable friend will know that the Minister of Community and Social Services (Mr. Sweeney) has had enormous increases in his budget, relative to many of the other budgets in government, in the last three years. I am sure that the member would stand in this House and talk about his dedication and commitment in that area.

We also recognize that whatever we do will not be enough. The member knows the pressure that is on the social services budget from a wide



variety of areas, be it child care, dealing with family benefits and a variety of other programs. Certainly it is something that appeals to us as Liberals philosophically very much. One of the arguments I hear constantly in this House is, "Spend money now to save later." Frequently it does not turn out that way.

That being said, we are looking at this very seriously, are attracted to the idea of rehabilitating people, of opportunity-planning, of trying to take people and give them the tools to deal with and work in our society—shall we say, to turn welfare cheques into paycheques. That is important.

We also recognize there is a level of support that people need. I think my honourable friend would agree that we have, I believe—the minister will correct me if I am wrong—the highest levels of support in this country today, and we are proud of that record and achievement. That is not to say that any of us could not do more.

We are looking at all aspects of this report. I just want to tell my friend again, it is extraordinarily expensive in government budgetary terms. He does not want to be standing up tomorrow and asking us to cut taxes if we do these kinds of things.

#### REPORT, SELECT COMMITTEE ON ENERGY

**Mr. Cureatz:** I have a question for the Minister of Energy. Is it not true that he had met on previous occasions with the chairman of the select committee on energy and that he reviewed with him specific aspects of the energy report to such a degree that on January 23, 1989, the minister came forward with his statement on An Act to amend the Power Corporation Act, and then, on January 24, 1989, another statement on the municipal street lighting project in Ontario, thereafter an attempt—if I may use the phrase—to short-circuit the committee's report and presentation of Thursday, January 26, two days later, after the minister's statement to this House?

**Hon. Mr. Wong:** I would just like to make the record clear. I did not discuss and did not even see the select committee recommendations until, I think it was, Friday last, after it had been released.

**Mr. Cureatz:** I am sure the minister has since seen the select committee report and recommendations and of course is highly supportive. Being so highly supportive of the committee's report, I am sure that he will be making—and is he making?—representations to his cabinet colleagues. Do not bother with the Liberal back-

benchers, because they have no say in here anyway.

Is he making representations to his cabinet colleagues that the energy committee will be sitting again this summer to review the Power Corporation Act and Hydro's demand-supply option possibilities?

**Hon. Mr. Wong:** I read the recommendations of the select committee. I understand the particular recommendation to which the honourable member refers. I appreciate, as we all do, the value and the contribution that permanent standing committees of the Legislature can make. All I can tell the honourable member today is that this recommendation, among all of the recommendations of the select committee, will be and is being reviewed by the government.

#### INVESTMENT IN CANADIAN FILMS

**Mrs. Fawcett:** My question is for the Minister of Culture and Communications. It has been brought to my attention that as part of the federal tax reform, the federal government has reduced income tax benefits to investors in certified Canadian films. My question is: Could the minister possibly tell this House what the reaction is of the Canadian film community to this action?

**Hon. Ms. Oddie Munro:** The Canadian film community is alarmed at the action of the federal government in reducing the capital cost allowance from 100 per cent to 30 per cent for investment in Canadian film. Some of the effects of that action have been a notable reduction in private investment in Canadian films, and also an anticipated 50 per cent reduction in production.

At the same time, Quebec has also put an increase in the capital cost allowance on investment in Canadian films through the Quebec income tax act, which is drawing Ontario production into Quebec.

They are alarmed. They have made their concern known to the federal government through their two umbrella organizations, the Association of Canadian Film and Television Producers and the Canadian Film and Television Association.

**Mrs. Fawcett:** In view of that, what is the Ontario government's position and what is the minister going to do to address this federal action?

**Hon. Ms. Oddie Munro:** At the time that tax reform came into being and at the time that it was discussed, the Ontario government called on the film representatives, both in Ontario and elsewhere, to discuss the implications from a broad

point of view. As the time has passed, we are now convinced that they are in a very dangerous situation. We are working with them and they are preparing a report for us which would indicate to us, as the Ontario government, what we could do in the area of stimulation for investment in Canadian film.

On the other side, we are also continuing to pressure our counterparts at the federal level to ask them to take another look at the capital cost allowance, but more important, to take a look at some form of investment credits for filmmakers. We are also asking them to look at the distribution side of film and are asking the federal minister to consider bringing into effect the distribution legislation.

1450

### RETAIL STORE HOURS

**Mr. Farnan:** I have a question to the Solicitor General. I would like to remind the Solicitor General of her statement in the House some time ago when she referred to the municipal option as "the chicken way out." Today, these words are very prophetic, in that 94 chickens—my apologies, 94 Liberals—will take the chicken way out and vote in favour of Bill 113.

Could the minister tell us at this late stage what extraordinary event took place, what road-to-Damascus event took place between her statement in the House that this was the chicken way out and her rising in the House one week later to say that she was introducing this legislation?

**Hon. Mrs. Smith:** I would like to inform the member that a great deal of work was put into defining this act and making sure that the municipalities were given the proper authority, techniques and methods so that indeed they could handle it properly and the citizens could have a more direct input at the municipal level, where they themselves can make the needs of their own municipality known at first hand to the council.

**Mr. Farnan:** The people of Ontario, the churches, small businesses, large businesses, workers, municipal politicians, children, all have expressed opposition to this legislation. There is no mandate from the people of Ontario. Neither is there a mandate from the Liberal Party.

Would the minister tell this House precisely when in convention, in policy session, the Liberal Party discussed the issue of Sunday shopping and endorsed the direction of the municipal option, or is this simply a knee-jerk response to her big-business friends?

**Hon. Mrs. Smith:** The members of the province speak in many different voices, as is

demonstrated by the 100 different municipal options that were already expressed by tourist exemptions.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mrs. Smith:** I would remind the members that in a referendum held in Sudbury during the recent municipal elections, every ward in that community voted in favour of maintaining open Sundays in Sault Ste. Marie.

On the other hand, for the many people in Ontario who do not want to have shopping on Sunday in their communities, this bill will provide them with the safeguard that their municipality cannot open their community without speaking to the people and having the opening properly vetted through the community. They have an opportunity now that they never had before to speak up on their own behalf within their municipality before anything can be opened. Previous to this time, it could be done with no reference to the people.

### COMMUNITY SAFETY

**Mr. Runciman:** I have a question for the Minister of Health, and it again deals with the risk management system in the psychiatric hospitals in the province. The minister may be aware that this morning the Liberal members of the standing committee on public accounts turned down the request by this party to have the Provincial Auditor conduct an efficiency audit of the risk management system in use at the Brockville Psychiatric Hospital in wake of the knife attack on a Brockville woman.

The justification they used for that rejection was that there was no evidence of a breakdown in the system, but at the same time, they refused to accept the tabling of the internal document I provided the minister with, which clearly points out that there was a breakdown in the system. They suggested that they did not have the jurisdiction, although the minister knows that risk management clearly falls within the purview of hospital administrators.

I am really wondering whether the minister supports the action of her colleagues in the public accounts committee in continuing to frustrate this question and continuing to not allow the public to have insight into what exactly is happening in terms of these people being allowed into the streets of their communities.

**Mr. Speaker:** The question has been well asked.

**Hon. Mrs. Caplan:** As the member knows, the federal Criminal Code mandates the process



for the granting of warrants by the Lieutenant Governor's Board of Review. That process is clearly within the mandate of the Criminal Code and the federal government. The hospital has the responsibility for implementing the warrants which are very specific.

**Mr. Runciman:** We didn't ask you about that. I am getting sick and tired of the same answer; I didn't ask you about that at all. Respond to the question. It is garbage and gobbledegook, disgusting. Sit down, sit down, sit down.

**Mr. Speaker:** Order.

**Hon. Mrs. Caplan:** I would tell the member again that we are implementing—

**Mr. Speaker:** The member does not want an answer. He stated that he did not want an answer.

**Mr. Runciman:** I didn't get one anyway, Mr. Speaker. It is the same gobbledegook.

**Mr. Speaker:** Order. He stated he did not want an answer. New question, the member for Sudbury.

**Mr. Breagh:** It's a good thing it's not to the Solicitor General (Mrs. Smith). She doesn't even know where Sudbury is.

**Mr. Speaker:** Order.

### MINING

**Mr. Campbell:** My question is to the Minister of Mines. Could he review how the process is going with the new Mining Act for the province?

**Hon. Mr. Conway:** As always, the member for Sudbury shows a continuing and positive interest in this very important mineral sector of Ontario. I was just wondering if my friends in the opposition were going to join my friend from Sudbury in directing the attention of this Legislature to that very important aspect of the Ontario economy.

After a very good consultation with the various constituent parts of the mining community, I tabled a green paper which contains proposals for a new Mining Act. At that time, which was just a few weeks ago, I indicated that we would entertain submissions from the specific and the general community over the next couple of months with March 31, 1989, as the target date for the conclusion of that phase.

We have received a number of submissions. I have encouraged the community, and I would encourage all members of the Legislature with a particular interest, like my friend the member for Hastings-Peterborough (Mr. Pollock), to stimulate as much response as they possibly can because I very much intend, on behalf of this government, before this year is out to have before

and through this Legislature a new Mining Act so that we can put a very modern framework in this connection.

### PETITIONS

#### CAISSE DE RETRAITE DES ENSEIGNANTS

##### TEACHERS' SUPERANNUATION

**M. Poirier:** J'ai ici une pétition des 31 enseignants de Prescott et Russell, adressée justement au lieutenant-gouverneur et à l'Assemblée législative de l'Ontario, en ce qui a trait à la caisse de retraite.

It is a petition on behalf of the teachers' superannuation pension.

**Mrs. Fawcett:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"The proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

I will affix my signature.

### INTRODUCTION OF BILL

#### NORTHERN FRONTIER DEVELOP. LTD. ACT

Mr. Kozyra moved first reading of Bill Pr43, An Act to revive I. Gosselin and F. Camiré Developments Ltd. to change its name to Northern Frontier Develop. Ltd.

Motion agreed to.

1500

### ORDERS OF THE DAY

House in committee of the whole.

#### RETAIL BUSINESS HOLIDAYS AMENDMENT ACT

#### EMPLOYMENT STANDARDS AMENDMENT ACT (continued)

Consideration of Bill 113, An Act to amend the Retail Business Holidays Act, and Bill 114, An Act to amend the Employment Standards Act.

Section 4:

**Mr. Chairman:** Does the member for Etobicoke-Rexdale (Mr. Philip) have any further amendments to section 4 of Bill 113?

**Mr. Philip:** I believe my colleague the member for Rainy River (Mr. Hampton) has the next amendments from our caucus, but I would like to ask a question of both the government House leader, the member for Renfrew North (Mr. Conway) and the parliamentary assistant to the Solicitor General, the member for St. Andrew-St. Patrick (Mr. Kanter).

The minister did not appear in the committee except for a very short time on one or two occasions. This is an important bill that is before the House. The minister obviously was not ill or anything, because she was in the House earlier, and the moment we are dealing with this important piece of legislation she has disappeared once again from the House.

We do not have the Attorney General (Mr. Scott) and we do not have the Solicitor General (Mrs. Smith). I am sure the government House leader would recognize that on numerous occasions, he brought it up when the previous government showed that kind of contempt for the House. Where are the Solicitor General and the Attorney General for this important last day of debate on these bills?

**Hon. Mr. Conway:** I might indicate that the parliamentary assistant to the Solicitor General, the very distinguished and able member for St. Andrew-St. Patrick, who had the carriage of this bill almost exclusively in the standing committee on administration of justice, has expressed a willingness to continue that process here in the committee of the whole House. I think all members would agree that he has done an admirable job in addressing the concerns of honourable members both in this committee and in the standing committee.

The Solicitor General will certainly be here from time to time. Like the Minister of Labour (Mr. Sorbara), who I believe is himself in another committee this afternoon, she has other responsibilities. That is why in our system we have parliamentary assistants.

I can assure the honourable member that the government is very anxious to listen very carefully to his submissions, because in my discussions with my ministerial colleagues they indicated a willingness and a desire to be here on that fourth day, probably next Tuesday, according to the House leaders' meeting this morning, when we will have third reading windups.

I repeat that my ministerial colleagues will be here, most especially when we are doing the third

reading, but in terms of the committee of the whole, my very able and informed colleague the member for St. Andrew-St. Patrick and the parliamentary assistant to the Minister of Labour, the member for Halton Centre (Mrs. Sullivan), will have the principal carriage of these matters at this particular stage.

**Mr. Philip:** Because the government House leader, like myself, has a certain affinity for history, he will recall that during the previous government, to the credit of that government—and of course I am not a supporter of the previous government—whenever really important, controversial legislation was introduced, on most occasions, unless there were some exceptional circumstances, the minister was present to answer questions. You cannot ask questions on third reading. You can give speeches, but you cannot ask questions.

I can recall that when the police complaints bill was brought before this Legislature, the Honourable Roy McMurtry was there to handle every difficult question himself and to present his views on it. When the Family Law Reform Act came before committee and the Legislature, despite the fact that on some days he had considerable pain because of a back problem, again Mr. McMurtry would still be sitting in that committee answering questions and dealing with the issues, not passing it off to a parliamentary assistant.

We are not talking about a minor bill; we are not talking about even a medium-level bill, if I could rate it on a pendulum. We are talking about a major piece of legislation, just by the very fact that more briefs have been presented to this committee on this bill than on any other bills, except possibly the select committee my colleague the member for Scarborough West (Mr. R. F. Johnston) chaired. Here we have the minister not even present to answer questions concerning policy, concerning where we are going from here in the next couple of years as a result of this important legislation.

It is not the member for Etobicoke-Rexdale who is being insulted. It is not the opposition that is being insulted. I think it is the public being insulted by the minister being absent. I do not object to the Minister of Labour not being here; we are dealing with Bill 113. But at the very least, the Solicitor General could be here to answer questions, as she managed to take the chicken way out with the committee and refused to be there on days on which we had serious questions concerning her interactions with the Association of Municipalities of Ontario.



**Mr. Sterling:** On that point, Mr. Chairman, the whole purpose of this particular meeting today, the committee of the whole House, is to consider amendments which are going to be put forward by members of the Legislative Assembly. No one in this Legislative Assembly is so naïve as to think the government is going to be in a position to accept an amendment unless the minister says it is going to be accepted.

The whole purpose of having this particular meeting today, the committee of the whole House, in this Legislature, for a limited time, as put forward by the government of Ontario, is useless; not useless because we do not want to participate but because the minister is not here to advise her colleagues as to whether the amendment is reasonable or unreasonable.

Therefore, I could not agree more heartily with the member for Etobicoke-Rexdale. I understand that the hearings with regard to this bill were long and arduous. I accept the fact that the minister could not be at all those meetings. But we are in the last stages of this particular legislation and surely to God this government is not so arrogant as to have that minister absent today when this is our last chance in terms of the opposition to put forward amendments and have this government either accept or reject them.

The minister does not know whether a member is going to come forward with a brand-new idea, and I find it extremely upsetting and unacceptable that the minister is not here today. I suggest we adjourn these particular hearings until the minister returns.

**Hon. Mr. Conway:** I listened with great care to what the member for Carleton (Mr. Sterling) has said today. I do not know whether he was here yesterday, but there was a very good discussion in this committee yesterday, one of the best I can recall in a long time; a very good give and take, where the member for Etobicoke-Rexdale and others made very good points.

I thought my colleagues the parliamentary assistant and the member for Mississauga East (Mr. Sola), who is here again this afternoon, anxious to participate in these deliberations—I would never want to leave my friend the member for Etobicoke-Rexdale feeling unsatisfied, unhappy. I can assure him that in light of the protests which have been so vigorously put—and in the case of the member for Etobicoke-Rexdale, with a surprising want of gallantry in regard to his comments to the absent minister, the Solicitor General—I will give an undertaking to—

**Mr. Philip:** What do you mean by that?

**Hon. Mr. Conway:** I will show the member the Hansard. It is not like him to refer to a member of the Legislature in quite the way he did, about a chicken way out.

I simply want to make the point that since my friends opposite are for some reason today veering in a slightly different direction than yesterday when we began and had a really good discussion in the committee, I will give them an undertaking, notwithstanding the presence of the member for St. Andrew-St. Patrick, that if they want the minister, who has other obligations today—I would not want to see the momentum of yesterday destroyed by some kind of idiosyncratic tantrum today—I will give the member for Etobicoke-Rexdale a commitment to go immediately and search out the minister and, notwithstanding whatever else she might be doing, bring her to this place so his particular concerns in this respect can be satisfied.

1510

**Mr. R. F. Johnston:** I think it would be a wise thing for the House leader to do just as he has suggested, and that is to go and search out the minister and bring her here.

This is not the time perhaps to talk about the demeaning of this assembly, which has been gradual and which over the 10 years I have been here has seen some slippage in terms of the esteem in which participation in this House—it has fallen by members of the government, and I would suggest even by some members of the opposition. I think this is a very important time to focus on at least this one example.

I do not recall this and perhaps the government House leader does; he has a better memory for these sorts of things than I do. I do not recall when an important piece of legislation of this sort, one as controversial as this, has been brought in where there has been closure—or to use that other term that is often used, time allocation—where it has actually been used so that the House has had its time rearranged by virtue of the decision of the majority, by the decision of the government, and yet the minister responsible does not see fit to adjust her schedule to be in the House for the last very short period of time the government has left to discuss the matter. Somehow she can be elsewhere, whereas the critics have to be here because the government, with its majority, has decided it shall be so.

Perhaps the House leader can tell me when there was another occasion when a minister took this so lightly. If he can give me another precedent, I would be glad to know about it. It does seem to me it would be appropriate. We

should continue. We should pursue this. This is not idiosyncratic. In my view, I see this in the context of a bit of slippage in the importance of being in this House, and that is seen by some ministers and even by some members of the opposition these days. That will be to our great detriment in the long run if it continues to be thus.

**Hon. Mr. Conway:** There are precedents. I can think of one for my friend the member for Scarborough West. It was the very controversial anti-inflation legislation that was put by the then Treasurer, Mr. Miller, in 1981-82. It was piloted through at its most controversial phase by his parliamentary assistant, the then member for Mississauga North. That is one example that comes to mind. In fact, I think one of those members actually put the motion, but I will check the record.

I have been around here long enough to know when a storm is about to blow up, for whatever reason. I will go and get the minister involved. I will not observe that some people on the critics' side, who have been most closely associated with this initiative over a long period of time, are for whatever good and outstanding reason not in their places today as well.

I think we should get on with it. The member for Etobicoke-Rexdale looks like he is about to inspire us yet again with new perspectives on this old song. I will give an undertaking that while the parliamentary assistant to the Solicitor General, the member for St. Andrew-St. Patrick continues to do the very excellent job he did yesterday, I will certainly go and see if I can bring the minister to the House.

**Mr. Philip:** I will not recycle the arguments and the temper tantrums the government House leader used to go through when similar circumstances were faced when he was in opposition. I will not call them idiosyncratic. I will not call them even temper tantrums. But I can say I am using a lot more moderation in asking for the minister's presence for this bill than he ever did when he created his considerable uproar, not only in the House but in committees, when ministers did not show up for important legislation. Perhaps now we can wait and have the minister attend.

**Mr. McCague:** There have been a lot of things said about this issue. Yesterday, my colleague the member for Leeds-Grenville (Mr. Runciman) quite often mentioned the absence of the Solicitor General when we are discussing a bill that is of great importance to a lot of people in Ontario, the people this government is supposed to represent.

I have no doubt about the competence of the member for Halton Centre when it comes to her duties as the parliamentary assistant to the Minister of Labour. Until yesterday, I had no doubt about the competence of the member for St. Andrew-St. Patrick, until he decided to tell my colleague the member for Leeds-Grenville what he thought of him in a very inappropriate way.

However, I recall very vividly some of the wonderfully complimentary things that were said about members of the cabinet it was my pleasure to belong to when this very thing happened. The comments were very rude at those times and there were even demands made that "the minister shows up or we do not proceed with the business before us this day."

Members know that the two parliamentary assistants cannot make policy for the government of Ontario. Here we have them sent in here with one thought in mind, and that is to kill any amendment put forward by either opposition party. We are supposed to take that as being democracy.

I suggest nothing could be further from the truth. Even if the parliamentary assistants to these ministries thought in their own minds that what was being suggested by the opposition was a great idea, they do not have the power to accept it without running to the minister and saying: "Madam Minister, may I do this?" or "May I do that?"

I can understand how the Solicitor General might have chosen not to be here today. In answer to a question from one of the members of the opposition, the Solicitor General told us that in Sudbury they had taken a vote to find out what the people in Sault Ste. Marie thought about being open on Sundays, and when the people in Sudbury said, "Yes, it is a good idea," therefore Sudbury was open on Sundays. I think she was a little mixed up and maybe that explains why she is not here today.

**Mr. Chairman:** Do other members want to debate? Any points? The member for Rainy River wanted to bring forward—

**Mr. Philip:** He is on his way in, Mr. Chairman. He will be here in a second.

**Mr. Chairman:** The member for Rainy River will move an addition to section 4 to be labelled subsection 4(9). We have been told he will be coming in a few seconds.

**Mr. Philip:** While we are waiting, maybe now that the Solicitor General is here, she will be able to answer a few questions on section 4. Is that agreeable?



**Hon. Mrs. Smith:** Certainly.

**Mr. Philip:** The minister's chief justification for the introduction of section 4, which is so greatly opposed by the municipalities of Ontario and indeed by a majority of the population of Ontario whose organizations appeared before the committee, was that the tourist exemption was not working. I wonder if the minister, since she has not provided the information to the Association of Municipalities of Ontario despite its requests on several occasions, can tell us in which municipalities the tourist exemption is not working. Can she name those municipalities at this point in time?

**Hon. Mrs. Smith:** I wish to say that through the debate we have given countless examples of where the tourist exemption has been used to define something other than tourism. For instance, in St. George it was used to open a grocery store. It was used, once again, in Mississauga to open a fruit stand. One can go through countless examples where it has nothing to do particularly with tourism and where in fact, when put to the test, no one could say, "You cannot go under a tourist exemption," because it is impossible to legally say, "This is not a tourist attraction." If, as in the Mississauga instance, they get a bunch of Americans to write and say how much they enjoy Ontario fruit, then you have a tourist exemption.

A tourist exemption as a means of preventing openings was not working. Therefore, the local option did exist, but the people were not protected because such exemptions could be done with no reference to the people of the municipality, which is now provided.

1520

**Mr. Philip:** The minister still has not answered my question, any more than she has answered the question of the Association of Municipalities of Ontario. The Association of Municipalities of Ontario has on several occasions asked the minister to provide a list. If it is a major problem, then obviously it is more than a problem with a fruit store in downtown Toronto or one or two other examples that she says she has given.

Will she give us the list? Which are the offending municipalities where the tourist exemption has been so abused that she finds it necessary to introduce this legislation the municipalities are so opposed to?

**Hon. Mrs. Smith:** The member misspeaks when he refers to municipalities as the "offending municipalities," because in fact we have

said tourism cannot be defined in a meaningful way without it being very restrictive to existing and important tourist exemptions across the province. Local municipalities have obviously expressed their wish to have exemptions other than what would be called tourist exemptions. They have taken advantage of that loophole in order to open and express their difference, as municipalities, and their wish to be different.

We are now respecting that wish to be different, as expressed by over 100 municipalities; this is what we are respecting now. I did not know it would turn out there were anything like 100 municipalities, but when we looked into it, there were over 100 municipalities that had used that to express their own wish for local option. That was done for them. Now they have local option, but with rules that make it fairer to the people in those places.

**Mr. Philip:** The minister has said now that she has about 100 municipalities that have in some way used the tourist exemption. My question to her is the question I have asked twice already. Hopefully, the third time maybe I will get an answer. I doubt it because the municipalities have not been able to get an answer through their association. Of those 100 municipalities, can she tell us, in her opinion, how many of those have misused the tourist exemption in a way that she finds to be offensive and therefore justifies the introduction of this legislation?

**Hon. Mrs. Smith:** I suppose that would depend on how you define "tourism." Obviously, in Mississauga they did not find it a misuse to call Longo's fruit stand a tourist exemption; they did it.

Discussing it with legal people, they do not find it possible to say that in a court of law that could be turned down as a tourist exemption. Therefore, tourism as a method of prohibiting or allowing opening becomes useless and unmeaningful.

Tourism is an essential industry in this province and in many ways exists here in the heart of Toronto, as it does in Sault Ste. Marie, as it does again in the Niagara region.

I could say, for instance, that the reason tourism does not sufficiently describe the problem is that in Sault Ste. Marie you might say the problem was not tourists coming in so much as the fact local people were going across the border to shop. That is not tourism. It is the reverse of the coin. It is that they were losing their people to become tourists in the United States.

**Mr. Philip:** The minister has said that by her definition, whatever that definition is or set of

criteria—obviously, there must be some criteria if she has come to the conclusion there are abuses. She has only been able to give one or two examples of abuses. She finally came up with a list on the day after the bill was published of how many municipalities had actually used the tourist exemption provision of the old act.

My question to her is, if this is an abuse by whatever standards she is using to judge an abuse, how many of these municipalities have committed this abuse?

**Hon. Mrs. Smith:** I repeat that these municipalities used this loophole to prove that they wanted to have their own control of what they did and did not open. Whether or not they used tourism primarily for a tourist area does not matter. They had the power to open. They used that power. They were often not particularly in tourist areas. They did use it and could continue to do so. This was a local option they obviously were taking advantage of.

**Mr. Philip:** The minister says there were 100 that used the tourist exemption. Then she says of some of those used it as a loophole. Would the minister care to tell us how many, in her opinion, used a loophole?

**Hon. Mrs. Smith:** The member has the list himself. He can go through it and make his own choice. My choice might be different than his. It really does not matter what my opinion is. We are trying to put together a legal document that will stand up in the courts. The member's opinion and mine have very little to do with it.

**Mr. Philip:** With respect, it is not my opinion. It is the minister who has justified this bill by saying there are abuses. We have made several attempts to ask in a quantity way, even, how many of these municipalities are, according to the minister, abusing the loopholes or the inaccuracy in the present legislation, how many are problem cities, if you want, there are vis-à-vis the use of the tourist exemption.

Is the minister now saying she cannot tell us how many of the 100 are in fact problem areas? I assume the minister agrees some of those 100 have used the tourist exemption properly, according to what she would find acceptable. How many, in her view—she justifies this legislation by saying there are abuses, loopholes, misuses of loopholes—of those 100 municipalities would she label the abuses or the misuses?

**Hon. Mrs. Smith:** I remind the member that the municipalities did not need the permission or blessing of the province. They were free to do as they chose. They did not let us know what their

motives were. I do not wish to judge their motives now. Their motives will be judged by their own people in their own municipality before the end of five years, because they will have to review the exceptions they have made and tell the people in their community, "This is why we did it and now you can say whether you think it was a fair and good idea or not."

I am not going to judge them. I have no intention of wasting the time of the House by passing judgement on people who are kings in their own domain, which is the local council in their own area. By then, they will have full power, but they will have to do it after consultation with the people and they will have to review all these exceptions. The people will decide.

**Mr. Philip:** The minister says she will not judge them, but in fact she has judged them. She said some of them abuse the system, and in so doing—

**Mr. Dietsch:** Are you saying there aren't any?

**Mr. Philip:** The ex-mayor of Uxbridge, who probably wants his voice noticed so he can remain well-known for running for mayor after the next election—

**Mr. Ballinger:** On a point of order, Mr. Chairman: That was not me. In fact, the member for Etobicoke-Rexdale is confused, as usual.

**Mr. Philip:** Mr. Chairman, I am sorry if I mistake one bullmoose call for another. They all sound alike and none of them gets up in the House and makes corrigible arguments.

It is the minister who judged the municipalities. She said they were abusing the system. She has labelled all the municipalities by failing to name those that have abused the system. I say to her she is insulting not only the intelligence of the population as a whole, but also the integrity of the municipalities out there.

**Hon. Mrs. Smith:** I have put in place or I will have put in place a bill that will properly give the people the authority to judge and speak to these. I am content this is the first time the people in the municipalities will have the opportunity to address such exceptions before they are put into place. Now they will have it, thanks to this bill.

**Mr. Chairman:** Does the member for Rainy River at this point wish to present his motion?

**1530**

**Mr. Hampton:** I have a few questions I would like to ask as well. I listened very carefully to the questions asked by my colleague the member for Etobicoke-Rexdale. He accepted the minister's comment that there were over 100 communities



that had used the existing legislation to pass bylaws. Some of them may have passed a bylaw so that the local fruit stand could open on Sunday and some may have passed a bylaw so that the arts and crafts store could stay open on Sunday. That is true.

The minister keeps insinuating that some of these communities either acted improperly or somehow used a loophole and the effect of what they did was improper. Would the minister please tell us which communities and what it was they did which was in effect the using of a loophole? We want to know which they are.

Interjection.

**Mr. Hampton:** You want to answer for her?

**Mr. Chairman:** Order, please.

**Hon. Mrs. Smith:** As I have said, the municipality will have to provide the opportunity for the people to decide whether it used loopholes or did not, because under the new bill it will have to speak to the people and will do so.

**Mr. Cureatz:** It behooves me to participate in this very energetic and active debate. If memory serves me correctly, we are discussing section 4 of Bill 113.

I want to refresh the minister's memory that the committee had the opportunity of travelling hither and yon across Ontario examining some of the specific aspects of Bill 113. Interestingly enough, section 4 played a rather vital aspect in all the representations that were made before the committee.

As the minister lifts her eyebrows, doubting whether that was the case, I want to review with her for a moment one or two aspects of the committee's investigation as documented by me in my banana box, which I brought along.

Interjection.

**Mr. Cureatz:** Although it is no seagull or indeed gull, I can tell the Minister of Education (Mr. Ward) that the feeling of people across Ontario about Bill 113, and more particularly section 4, is that it is bananas.

It is unbelievable that after all the heated debate that has taken place on section 4, the municipal option, we have come here to this tyrannical situation after the closure motion which, I say to the Minister of Education, I did not have the opportunity of discussing, and so I am going to be making up for it now.

I want to review with the minister some of the travagles of experience on section 4 in which she did not have the opportunity of participating.

**Mr. Pollock:** Go ahead, Sam.

**Mr. Cureatz:** My wonderful and learned colleague the member for Hastings-Peterborough (Mr. Pollock) has encouraged me to go ahead, to refresh the minister's memory about some of the various aspects that we found on our sojourns.

I can only bring to people's attention that of course we started out at Queen's Park right here, in the lovely Amethyst Room decorated by Lorne Henderson such a long time ago. After a good week and a half of thorough investigation of section 4, it was decided to go on tour. One of our first places of stoppage was none other than Collingwood. We found no bananas in Collingwood to speak of. As I indicated to the member for Niagara South (Mr. Haggerty)—wait until I get to his file, because it is here—we were in his riding and will be reminding him what some of the fine people down there in the Niagara Peninsula had to say about this banana piece of legislation.

We went forth to Collingwood. It was a wonderful experience and a fine representation about the concerns of section 4, the municipal option under Bill 113. Of course, the surprising aspect was—

Interjection.

**Mr. Cureatz:** Goodness knows, I can only say to the former mayor of Uxbridge, who soon will be, after the next provincial election, contesting the mayoralty of Uxbridge, because with this legislation 25 of these backbenchers are gone; they are history. Who knows, there might be another minority government. Who knows what the particular issues of the day will be and, no doubt, they will be to take a look at section 4 of Bill 113 and possible amendments thereto.

**Mr. Ballinger:** Get serious.

**Mr. Cureatz:** My colleague the member for Durham-York says, "Get serious." Let him go and speak to the Council of Christian Reformed Churches in Canada—not in Ontario, in Canada. I will tell members it is tough enough for me at times to take on the leadership of my own party, our former leader Bill Davis, but do members think I am going to take on the reformed churches in Canada? No way. Even I have my limits. Not so all those Liberal backbenchers and, more particularly, those who sat on the standing committee on administration of justice, as we toured.

As I was saying before I was so rudely interrupted, we went forth to Collingwood. Members should have seen the wonderful experience we had at the Blue Mountain Motel; I mean, the concerns the people had there.

The member for Mississauga East had a bad eye that day, although his ears were all right, and he was even blushing about the criticism that was coming forth on this section. As we sat for that day, it occurred to me that there had to be some kind of amendment brought forward, a reasonable approach to this legislation. Of course, there comes a time somewhere this afternoon when we will be taking a look at our proposed amendment.

**Mr. Ballinger:** Where's Dianne?

Interjections.

**The Deputy Speaker:** Order, please.

**Mr. Cureatz:** Let's go to the press clippings: "Peterson to Ram Shopping Through." This is the new open government. Let me tell all the newly elected Liberal backbenchers that during the days in 1985 under minority government I did not hear the Premier (Mr. Peterson), the member for Renfrew North, the Treasurer (Mr. R. F. Nixon) or the Attorney General talk—

**An hon. member:** The Four Horsepeople.

**Mr. Cureatz:** Yes, the Four Horsepeople of the Apocalypse. I did not hear them talking about section 4 in Bill 113. No. What were they talking about then? Open government, no walls, no barriers—

[Applause]

**Mr. Cureatz:** Keep clapping away.

The information we got on our first stop, Collingwood, was something contrary. There was concern and animosity in that lovely community on that beautiful summer's day. The member for Brampton South (Mr. Callahan), who is the chairman, and I had a lovely drive up Highway 400 and thither and yon. The concern they had about the municipal option in this section 4 was staggering. Even I, even moi, who had thought I had seen it all, could not believe the disgust and concern that people had.

I said to myself: "I'm from eastern Ontario or thereabouts. This is sort of up in north-central Ontario, the southern part of the peninsula. Maybe that community is a little too strong about their opposing section 4 of Bill 113, which is the municipal option."

I was waiting with anticipation to make our lovely way the next day down to Orillia, whose fine representative the member for Simcoe East (Mr. McLean) was present to listen to the deputants on this piece of legislation. I listened, and does the minister know what? They had the same kinds of concerns. I know the way she is looking at me now that she can appreciate what people were saying there in downtown Orillia.

I say to the parliamentary assistant to the Solicitor General, as we stayed in the Highwayman Inn, which I thought was sort of appropriate for the Liberal administration to place us in, lo and behold we heard the same kinds of concerns in Orillia about the municipal option.

We had there in attendance, among other people, the owner of the largest Canadian Tire store in Canada—not just Barrie, not just southern Ontario or all of Ontario, but Canada. He came forward and he was exasperated. He was dumfounded to think that in 1985, with the new, so-called—of course, the bloom is off the rose now. Even their own in-house party report says that.

**1540**

What I love about it is that the Liberal backbenchers have nothing to do with it. They get back home in their ridings and the phones are ringing off the constituency hook and they are taking all the flak for the front bench. I love every minute of it; it looks good on them. And it ain't over yet on the municipal option, section 4 of Bill 113, because we in the Conservative Party and my colleagues in the official opposition, the New Democratic Party, are going to be reminding people about this piece of banana legislation.

It is absolutely unbelievable, when the Liberals came to power in 1985 with this new openness, they then had put up the walls, put up the barriers and closed the door on what people across Ontario have to say.

I thought to myself: "Self, maybe this is just Orillia. Let's take a look around at some of the other communities to see what they have to say." The committee, I will say hard-working as we were, decided, in our esteemed judgement, to go on tour that very day from Orillia to London, Ontario.

And perchance, who represents London? Let me think. I make no excuses for my learned colleague the member for London North (Mrs. Cunningham), as I taught her so well, I say to the Liberal House leader; she can look after herself.

Interjection.

**Mr. Cureatz:** I say to the Chairman, the member for Durham-York (Mr. Ballinger) is not in his seated place—

**Mr. Chairman:** Order, please.

**Mr. Cureatz:** —but that does not seem to be a care to the Chairman of the committee. There is one rule for the government and one rule for the opposition, as we found out in the closure motion. I say to the House leader of the Liberal Party, he is lucky that I did not have my chance to



speech on that closure motion, because it would have delighted me, with great glee, to read over the antagonistic approach he took when he was sitting over there in the opposition in the Liberal Party, condemning none other than the Conservative Party of Ontario for bringing forth closure on the wage restraint bill. Oh, the statements! Actually, I would even be embarrassed to quote him, so it is a darned good thing. The people in Kendal and Orono would have been embarrassed for him, and especially those in Pembroke.

I am off topic. I want to get back, but I could not resist, because he is wandering around with such a smug little smile to think that section 4 of Bill 113 is finally going to be resolved this afternoon—but not without a fight, I say to him, and not without my reminding the minister that we decided to go to London, Ontario. Among other people, besides the honourable member for London North, who represents that wonderful town, is none other than the Solicitor General.

There is another person from the city of London who I thought would have some kind of sway on section 4 of Bill 113. What is his name?

**An hon. member:** Is it David?

**Mr. Cureatz:** David—

**An hon. member:** Peterson.

**Mr. Cureatz:** Peterson. David Peterson, the Premier. How could I forget? It just slipped my memory.

I thought this committee going to London would inevitably be overwhelmed by the support that would be—oh, I forgot the whip; where is he? Who else represents that area? The member for Middlesex (Mr. Reycraft). That is three Liberals representing the city of London: the Premier, the whip and the Solicitor General, for whom I have a slight bit of criticism this afternoon, if members have not noticed.

I thought: "That's it for the committee. We're finished. We heard the delegations up in Collingwood, we heard them in Orillia; they were all against section 4, the municipal option. Now we're going into the fox's den. For sure the fine people in that community would be somehow convinced to support the legislation."

Do members know what we found?

**Mr. Pollock:** What did you find?

**Mr. Cureatz:** Thank you. They were against it. I was dumfounded. I had to go up to the Holiday Inn bar—happily enough the Liberal member, the member for Durham-York bought me a Perrier—and I had to recover from the fact that those three high-profile Liberal members of government who run the show around here had

not convinced their own community about how wonderful the legislation is. I was dumfounded.

There was one fine lady from the Bruce Peninsula along Lake Huron who tried to make a point or two about the legislation. The minister was not there, although I know her cohorts of staff, who were intermingled throughout the audience, were on the phone to her by the minute. They were back there in the lobby phoning in all the things that were taking place. It was unbelievable what I found in London. It really was.

I said: "That's it. Surely this government will"—and who else did we have? I could go on and on but I will not have time for all that, my goodness. I have files and files. We had the church leaders. We had the vice-president of Loblaw's stores for southwestern Ontario come to speak with us, members of the United Church and the Anglican church bishop for that area of southwestern Ontario—

**An hon. member:** Leo Garnsworthy.

**Mr. Cureatz:** You know whose name I forgot? I am sure the Solicitor General remembers—very dignified, came clothed as he should.

Do members know what?

**Hon. Mrs. Smith:** What?

**Mr. Cureatz:** They were against it.

I thought: "That's it. There goes the committee. No more per diem, because it is finished." The people in London would obviously convince their own member, the Premier, the Liberal whip the member for Middlesex and the Solicitor General to do away with the legislation.

But do members know what?

**Mr. Faubert:** They didn't.

**Mr. Cureatz:** They did not. That is right. They handed it back to us on a platter. I thought to myself, again: "Self, these Liberals are fallible. They can be defeated. They have stuck their heads in the sand on this piece of legislation and are so antagonistic of getting it through that they are going to set aside all the concerns of—who? All the religious organizations; businesses both large and small; unemployed people; employed people; nonunionized people; unionized people—

**Mr. Pouliot:** Municipalities.

**Mr. Cureatz:** Municipalities, thank you; a cross-section of Ontario I have never seen before against this piece of legislation.

But they wanted to forge ahead. "Where do we go next?" somebody said. Do members know where we went next? The capital of Canada:

Ottawa. Do members know how many Liberals are from that city?

**Mr. Ballinger:** Six.

**Mr. Cureatz:** Six; is that how many? That is about six too many. I want to tell members there are going to be zero after the next election, because when we went to Ottawa—this is my Ottawa file I have here—do members know what else I did? I thought for fun I would write down the members who represented that area. We have the member for Ottawa South (Mr. McGuinty); the member for Ottawa West (Mr. Chiarelli); the member for Renfrew North; the member for Carleton East (Mr. Morin); the Chairman of the committees of the whole House—I will be gentle on him—and the member for Ottawa East (Mr. Grandmaître).

Most of those Liberal members did not take the flak; I will give credit to none other than the member for Ottawa West, who sat there and had a press conference outside the hall of the hotel in Ottawa; the Liberal House leader was there. It was the wildest press conference I have ever seen. He was badgered from one end of the hall. He had to finally retreat into the men's wash-room, it was so bad. The press were after him with the microphones, demanding his stand on section 4 of Bill 113, and he was humiliated. Even I felt sorry for him, as cutthroat a Conservative as I am. I thought, "What punishment could be dished out to this Liberal member?"

**1550**

Where were all those other Liberals I named? Were they in Ottawa representing their communities? The member for Ottawa South was there. Do members know where he was? In the back row of the committee, having a coffee, which was very nicely made available to all of us at the hotel. Then he quietly slipped out, as he did on the committee more times than not, to have a cigarette. We will comment about the nonsmoking legislation later on. At least he showed up, and I give him credit for that, but none of those other Liberal members did, outside of the member for Ottawa West.

Do members know why? Because we found out, among other things, the number of people who were opposed. Here is what we found out about section 4 of Bill 113. Do members think the Ottawa Carleton Board of Trade was in favour of section 4, the municipal option? No. How about a representation from the Canadian Tire store in the Ottawa area? Do members think they were in support of section 4 in Bill 113? No. How about the Sparks Street Mall Business

Improvement Area? Do members think they were in support of section 4 in Bill 113? No.

How about, at 11 a.m., the Coalition Against Open Sunday Shopping; in attendance, Arden Brooks, chairman; Hans Bleeker, director? Do members think they were in support of section 4 of Bill 113? No. How about the mayor coming all the way from south of the city of Ottawa at 11:20 a.m., from the city of Cornwall? Do members think he was in support of it? Guess.

We then had a lunch break and then we had further representations. Without dilly-dallying, just perusing some of those in attendance, at 2:20 p.m. we had the Christian Council of the Capital Area. Holy smoke, the Christian Council. Do members think those who represented them, members of the United Church and the Baptist Church, were in support of section 4 of Bill 113? They were totally against it. How about at 2:40 p.m. the Retail, Wholesale and Department Store Union?

If I might for a moment refresh members' attention, we had an independent businessman in attendance from the Canadian Tire store; we had the business people in general represented by the Ottawa Carleton Board of Trade; we had a coalition of business people, the Sparks Street Mall Business Improvement Area; we had politicians, the mayor of Cornwall and Michael Cassidy, former member of provincial parliament and leader of the official opposition a long time ago; we had church organizations; and then the union workers, both the Retail, Wholesale and Department Store Union and the United Food and Commercial Workers Union. They said no.

The day was not finished yet. The Renfrew St. James Lutheran Church, Reverend Jim Slack, was in attendance. He was against the municipal option.

Then at 7 p.m. we had—and I at least give the parliamentary assistant the credit for sitting there hour after hour getting hit over the head with a baseball bat while the Solicitor General was back in Toronto, no doubt attending to the affairs of the ministry, although she should have been on the committee, because if she was, she would have withdrawn this legislation and not be at this state, as we are now.

At 7:20 that evening, the Catholic Women of Faith, Life and Family were against it. This is all in the capital of our country. Then there were the Citizens for Public Justice, and I see in attendance under the guests' gallery for opposition members the Ontario Automobile Dealers Association. They were against the legislation.



We concluded with none other than the Public Service Alliance of Canada. Guess what their position was? Interestingly enough, on our sojourn to Ottawa, they were against the legislation. I thought now, "Is that not interesting?"

We went to Collingwood to discuss section 4 of Bill 113. We went to Orillia to discuss this section. We went to the home town of the Premier and the Solicitor General to discuss the legislation. They were all against it in the majority. We then went to the nation's capital. There was an onslaught of people I have never seen before against this section.

So I said to myself, "We might as well finish off that tour of eastern Ontario and let us make our way forward, down the Rideau Canal by highway to the former capital of Upper Canada, Kingston, Ontario. Let us find out what the fine people in Kingston would have to say." Of course I would be neglectful if I did not mention—

**Mr. Chairman:** Order, please. Do you have intentions of going on for much longer? May I remind you of the very limited time we have? There are other members who would like to present amendments and motions and maybe subamendments to the entire bill. Can I ask you if you plan to go any longer, in all fairness to all members?

**Mr. Cureatz:** I am only one tenth of the way through my banana box. I have only got to Kingston. But through your enthusiasm, I will make my way forward for another five or 10 minutes to allow all those Liberal members in attendance the chance to stand up so that they can tell the people in their ridings how supportive they are of this legislation.

**Mr. Pouliot:** On a point of order, Mr. Chairman.

**Mr. Chairman:** Under which standing order?

**Mr. Pouliot:** Notwithstanding the historical value of Kingston, on a more serious note, if you will allow me—and your point is extremely well taken, Mr. Chairman—we do have some very serious amendments to put forth. We would hope, given the time limitations imposed by the government, that we will have a fair chance to do so.

**Mr. Chairman:** The member for Durham East may take that into consideration.

**Mr. Cureatz:** I know my colleague is so enthusiastic because he was not on the trips with us across Ontario. I wanted to bring to his attention some of the flavour that we encountered so that when he is bringing forward his amend-

ments, he would feel, from within, the enthusiasm that I feel after travelling hither and yon during that fine month of August discussing section 4 of Bill 113.

We will stop at Kingston and just review for a moment—

**Mr. Offer:** Besmirching character right now. That's a personal shot that's uncalled for.

**Mr. Cureatz:** Yes, that is right. Thank you. I will conclude with that remark about section 4 of Bill 113, although I will not be too critical because the member for Kingston and The Islands (Mr. Keyes) very kindly organized a birthday luncheon for a particularly outstanding member of this chamber, whom I will refrain from naming in particular. It was a joyous occasion of two hours, approximately, until we got back into the committee. But the member for Kingston and The Islands, of course, did an admirable job in trying to deflect the onslaught of criticism, I say to the new chairperson of the committee very quickly, from those who were concerned about section 4.

There was another Canadian Tire owner, the Downtown Kingston Business Improvement Area Coalition Against Sunday Shopping, the United Food and Commercial Workers Union, Shoppers Drug Mart, the Church of Jesus Christ Latter Day Saints, the chamber of commerce, the Prescott Business Improvement Association, the Ontario Automobile Dealers Association, the Christian Reformed Church. That all took place from noon till about 10 o'clock at night in Kingston. They were all against this section.

We would like to continue on and we will work into our various amendments, which have already been tabled, a further discussion as to why there can be an approach different from the municipal option. We want to bring the minister's attention to the Progressive Conservative Party's motion that we brought forward, a formula to try to help alleviate the concerns out there. Time and time again we had heard, as I indicated, from the various groups just from those areas that I have refreshed everyone's memories on—I can tell you we hope to cover the rest of it yet some time this afternoon—a possibility of negotiating with those groups, which were concerned that there should be a common pause day; that those groups would participate in the formulation of a definition of a tourist area that municipalities would be able to adopt so they could exempt themselves in those particular spots in their communities. Of course, our proposal was to set up a board called the Retail Business Holidays Exemption Board to

allow the review of whether that particular organization or individual would be exempted under a set of criteria and allowed to open on Sunday; upon that review, the decision could carry forward.

I know my learned colleague has a comment or two to make with supporting amendments and we are anxiously waiting to listen to his proposals; I will be participating in a debate or two on them.

**1600**

**Mr. Philip:** I want to thank my colleague for doing so much to help the opposition win this debate.

**The Deputy Chairman:** Mr. Philip moves that section 4 of the act be amended by adding section 4(9) to the bill:

"4(9) Despite the provisions of any municipal bylaw which may be passed under this section, no retail business establishment which has more than four employees may open on a holiday as defined in this act."

**Mr. Philip:** We have received numerous deputations on this matter in support of this amendment. Various business groups which are, of course, familiar with what is going on in other provinces have pointed out that the Manitoba manner of handling this is quite workable. In particular, just to read one of the letters I have received as late as January 12 from the Ontario Working Group on Sunday Shopping Policy, and there are similar presentations they have sent from other business groups:

"The undersigned favour applying the government's proposed municipal option to retail business establishments only provided that the number of persons, including the owner, employed for the sale of goods or services on the holiday does not exceed four."

The statement goes on to say: "This reasonable limitation would help to achieve the government's policy objective and respect the integrity of Bill 113. This concept is an adaptation of a similar provision of the Manitoba Retail Business Holidays Act. This legislation has the public support of all parties in Manitoba and works well in practice. With the municipal option, it should work even better in Ontario."

Basically what the various groups out there have been saying over and over again is: "We disagree essentially with your giving all of the responsibilities to the municipalities. It simply doesn't work. But we're willing to work out some kind of compromise since you are so rigid in your approach in this bill." We have a group of businessmen who are saying: "We know that this works in Manitoba. Those of us who have visited

Manitoba know that it is working and we see no reason why the government should not accept this as a reasonable amendment that will still allow some flexibility at the local municipal area while at the same time protecting the value of a common pause day for a majority of those in the retail businesses in Ontario and the integrity of the very document that the Solicitor General signed."

**Mr. Hampton:** I just want to say that the Manitoba legislation was tested before the courts and the Manitoba Court of Appeal has ruled that the legislation, in terms of limiting the number of employees in this sort of situation to four employees, has been upheld.

The interesting part of this amendment, and why we are favourable to it and why we have proposed it, is simply that you allow those stores who want to open on Sunday to do so. If they feel that they can handle a large store with four employees, they can do so. If they feel that they can open only a medium-sized store with four employees, they can do so. If they feel they want to open a super-large store with four employees and take some of the risks that might entail, whether in terms of losing control over their inventory or not being able to provide efficient service, that is their choice to make.

The point is it improves and protects the integrity of the common pause day, something which is not protected by the government's legislation. True, the government's legislation provides a provincial framework, but it then goes on to provide so many loopholes and so many leakages that the protection for the provincial framework is virtually useless.

If the government is really serious about protecting the common pause day, if it really has integrity in terms of protecting the common pause day, we would suggest this amendment. Let those stores that want to, open. If they feel they can operate a super-large store with four employees, that is their choice.

I think what the government will find, because it has been the finding in Manitoba, is that the stores that will open will be those, generally small stores, that provide a convenience or some specialized service for the public. Other enterprises simply look at it and say, "It's not worth it," and so the integrity of the common pause day is protected.

We strongly advise the government to look at this. We think it would be a very good amendment. We think that, instead of having to go through some of the linguistic challenges that the government has undergone in the past year in



terms of saying, "Yes, we're in favour of the common pause day but, yes, we're also in favour of the municipal option and, no, we don't want to open Sunday shopping up totally but, yes, we want to see Sunday shopping," instead of having to go through those kinds of contortions, this is a very effective way of protecting the common pause day but allowing those who want to open on Sunday to do so.

As I say, we recommend it highly to the government. If the government is in any mood to compromise at all on anything, I would suggest that this is perhaps the best place to compromise.

**Mr. Cureatz:** Notwithstanding my honourable colleague the member for Etobicoke-Rexdale, as biting and sarcastic a comment as he had, of course the reason he is annoyed is he knows only too well that the Conservative Party of Ontario has taken this initiative from the New Democratic Party, so that the focus of attention of the people of Ontario has been brought to bear upon this legislation and, more particularly, section 4.

That is not to say that I will not be supporting this wonderful amendment. Indeed, as my colleague who was on the committee from time to time had learned, of all the groups that made the representations—if I could say 99 per cent, and we have not made our way into the Peterborough file yet—the majority of people were against the legislation and indicated, as my colleague who made the proposal to add subsection 4(9) indicated, this kind of approach: "No retail business establishment which has more than four employees may open on a holiday as defined in this act."

1610

The greatest concern was generally that they wanted Sunday not to be open. That is it in a nutshell. You know us politicians. We try to encompass that and say, "Let's have a common pause day." That is what we were talking about at our various hearings across Ontario. As we had discussed in those previous visits to the other communities, including the city of Peterborough, represented by none other than the member for Peterborough (Mr. Adams)—the hearings in Peterborough took place to cover the other areas of the region of Durham, of which Liberal members were none other than the member for Durham West (Mrs. Stoner), the member for Durham Centre (Mr. Furlong), the member for Victoria-Haliburton (Mr. Eakins) and the member for Quinte (Hugh O'Neil).

The hearings took place in Peterborough so those Liberal members would have the opportu-

nity of coming forward to express their concerns as outlined in my colleague the member for Etobicoke-Rexdale's proposed amendment to try generally to have a common pause day. Those Liberal members did not show and have yet to discuss in these chambers how supportive they are of it.

I am looking forward to the free vote the Premier said we are going to have at the end of the day to see whether they are going to support my colleague's amendment.

**Mr. Philip:** Does the minister not have a response to this? Oh, she is going to pass the buck to her parliamentary assistant. I guess that is to be expected.

**Mr. Kanter:** I have listened with some interest to the proposal put by the member for Etobicoke-Rexdale and the support, I think, from members of the third party. The proposal that there be a limitation in terms of the number of employees may find favour in some municipalities. It may be appropriate to some municipalities. It may not, however, meet the needs of all municipalities. Some may find it too permissive.

We have heard from some of the deputants and from the opposition parties from time to time that they are opposed to Sunday shopping. They want a common day of pause. Yet they have now introduced an amendment that would permit Sunday shopping throughout the province as long as there were fewer than four employees.

On the other hand, their proposed amendment may well be too restrictive in some locations. It was my experience—and I did have the experience of going on the same travelling committee the member for Durham East (Mr. Cureatz) referred to in such evocative terms earlier this afternoon—that it might well be too restrictive for some of the communities we went to that had Sunday shopping.

I remember Collingwood. I had the experience of being in Collingwood, as did some other honourable members of this House, and going to visit downtown Collingwood. It was a very prosperous and well-preserved downtown and it happened to be open on Sunday; at least, stores could be open on Sundays. My recollection is that there were some fairly large stores that would almost undoubtedly have more than four employees. So in Collingwood, in one of the cities that we visited, the four-employee limit would be too restrictive.

Let me speak just a little further about the experience we have had in Ontario. The members speak about Manitoba, and I have a great deal of respect for people in Manitoba. But we

are not legislators for that province; we are legislators for this province. Let's look at the experience we have had in Ontario with restrictions on the number of employees, because the current legislation contains a restriction on the number of employees in drugstores. Yet we have seen, as I think all members are aware, that there has been a proliferation of very large discount-type stores selling some drugs.

In fact, that has been one of the reasons for this legislation. We have had unfair competition and responsible retailers who want to be closed on Sundays have come to us and said: "Look, there are these very large stores selling all kinds of things competing with us unfairly. They can be open and we have to be closed. Please do something about it." The government has done something about it. We are responding.

I think experience has shown in Ontario that a restriction on the number of employees is very difficult for local police forces to enforce. They are not willing to go into stores and question every clerk and find out whether people are clerks or customers or visiting or on lunch hours or breaks. The experience in Ontario has shown that this has not been very successful.

Let's look again at the practical consequences. Let's suppose a municipality in a resort area chose this sort of option. Let's suppose Huntsville or Muskoka or some such municipality chose this option. You might find, whether on the main street or in a mall, that certain stores on the same street might be open and other stores would not be open because they would be too large to be manned or personned by four employees. The same situation might arise in a mall.

It is our impression that there may be some limited merit in this proposal. We are not rejecting it out of hand, but rather it is one that can be incorporated into the broader, more flexible option that the government has provided. We feel that to limit municipalities to this option would be less fair, less workable and, probably most important, less enforceable than the proposition put forward by the government. Therefore, we will not be supporting this motion.

**Mr. Philip:** The parliamentary assistant to the minister makes a couple of arguments. I am shocked that after all this time he is so unfamiliar with the existing legislation. He says that there are problems and that under the existing legislation we do have a restriction. Then as the example of the abuses, of how the present legislation is not working, he uses the example of drugstores. In fact, drugstores are exempt from

the provision in the present legislation that would restrict the number of employees. I thought that he would have read the bill, the existing legislation, and been aware of that.

Second, he says there is feedback from out in the field and in fact the people would find even this too permissive. Of course, he must not have had his people at the press conference of the Ontario Working Group on Sunday Shopping Policy of February 1, the press conference that basically presented the last-minute attempt to change the government's mind or to have some reasonable compromise on behalf of the four million people that it was representing.

**Mr. Ballinger:** Oh, cut it out.

**Mr. Philip:** I can prove four million people are represented by the coalition better than the minister can come up with where the abuses are in the tourist exemption.

They had as their second proposal, in this attempt to reach the Premier, "That the staff be restricted to four persons." That was one of their proposals. That is the coalition. Those are the people who were in fact out there making the presentation. It was Gerry Vandezande himself who delivered this paper, only on February 1.

**1620**

I realize that the Premier refused to meet with him and the coalition on several attempts, including the last attempt on February 1, at which time he held his press conference. But I am sure that the parliamentary assistant or at least the minister would have been aware of what they were asking for, and that is exactly what they were asking for.

**Mr. Kanter:** I want to rise to be quite clear on one point that the member opposite may have misunderstood, perhaps inadvertently, and that is with respect to drugstores. This is a motion that, like all the motions, we have taken very seriously. It is the principle of the restriction of the number-of-employees test. That is found in the current act, the Retail Business Holidays Act, clause 3(2)(c), where it deals with drugstores. It says that a drugstore is now permitted to be open only where "the number of persons engaged in the service of the public in the pharmacy does not at any time exceed four."

I represent an urban riding, as does the member for Etobicoke-Rexdale. It has been my observation that there are drugstores in my riding, not terribly large drugstores, drugstores of somewhere between 6,000 and 8,000 square feet, that are open on Sundays and that have more than four employees. It is also my observation



that there have been numerous ads in the newspapers, going back five, six or seven years, for very large drug superstores—I have been in them on occasion, mostly to check out the provisions of this bill—where again there are many, many more than four employees, in contravention of this legislation.

I want to point out to the member for Etobicoke-Rexdale that the number-of-employees test has been, in a sense, field-tested in Ontario over the past 15 years and experience has shown it does not work very well, at least in the drugstore sector. The experience we have had in Ontario is that it simply does not work.

**Mr. Hampton:** I want to correct the parliamentary assistant's interpretation of our amendment. The amendment does not say that in all stores you may have four employees. It allows for the provincial framework that the government is so proud of, that is, everyone shall remain closed, but it says that if a municipality passes a bylaw, any store that is open under the bylaw is restricted to four employees. It does not make it too loose for some places and not loose enough for others; it simply says the provincial framework shall be maintained and, if a municipality passes a bylaw, there is a restriction to no more than four employees in a store.

I want to comment upon the other point made by the parliamentary assistant. I think it is fair to say—and many of the municipalities out there and many of the business groups and many of the trade union groups that appeared before the committee said this—that the reason why the four-employee limit in terms of drugstores was unenforceable in Ontario was because the government did not try to enforce it, because the government did not make a point of saying, "This shall be enforced."

The fact of the matter is that in Manitoba, where the same four-employee-limit rule applies, both Conservative and New Democrat governments have made it a policy to enforce that clause of the act. In fact, you will see stores in Manitoba that simply have a sign on the door saying: "We do not open Sundays. We would be limited to four employees. We don't feel we could run our store with four employees, therefore we won't open."

Let's hope that a Liberal government does not come to power in Manitoba, because presumably there it would find the same thing unenforceable that has been found unenforceable here. Manitoba has had no problem enforcing the four-employee-limit rule. The only reason it has been difficult here in Ontario, and municipal groups

have said it, is because the government has not wanted to enforce it. They made that very clear at some of the stops the committee made. It is enforceable and the government could have enforced it but chose not to. It is a problem of the government's own making, not a problem inherent in the law itself.

**Mr. Solá:** I would like to show one discrepancy in their argument. That four-employee limit would go against the grain of the religious exemption, because it was specifically told to us in the committee by various groups that if they could opt out of Sundays on the basis of their religion, they wanted the same size store, they wanted the same number of personnel operating their stores on the day they chose as—

**Mr. Hampton:** The Supreme Court judgement on Edwards Books and Art.

**Mr. Solá:** Well, our exemption allows people of different religions who would be closed on Friday or Saturday or whatever day they chose to be open Sundays, not matter how large their store. Therefore, in order not to discriminate against them, we could not limit the number of employees.

Second, although I appreciate the input of the member for Durham East, Sanctimonious Sam, he does represent a party which set up a task force in 1985 to check into this very question. Here are two of their proposals.

**Mr. Hampton:** At least they had the sense to reverse themselves.

**Mr. Solá:** Yes, by getting themselves out of power.

**Mr. Cureatz:** With the support you got from the New Democratic Party.

**Mr. Solá:** That is fine. As long as the members filibuster their own time, I do not care.

Here are two proposals that they wanted to make: One is, "Give effect to the genuine demand for additional pre-Christmas shopping hours by permitting Sunday shopping on some Sundays prior to Christmas." The other is, "Permit shopping on Boxing Day."

**Mr. Philip:** What does that have to do with the number of employees?

**Mr. Solá:** The member for Etobicoke-Rexdale asked what that has to do with it. The way I read this thing, it is leading to more Sunday shopping, and the opposition is attaching its amendment to a format presented by a party that was proposing more Sunday shopping on the basis of the report issued by its task force.

I find the direction it is going in very suspicious. On the one hand, it claims to be

opposed to Sunday shopping; on the other hand, it is attaching an amendment—

**Mr. Philip:** On a point of order, Mr. Chairman: The amendment was fairly specific. It deals with the number of employees in a retail store. I has nothing to do with Boxing Day, it has nothing to do with the number of holidays, and I ask that the Chairman call the member to order.

**The Deputy Chairman:** That is not a point of order.

**Mr. Sola:** I am glad the Chairman is showing some objectivity, unlike the member for Etobicoke-Rexdale. I would like to say again that, even if the amendment was in order, just the fact that it was attached to the proposed board that the member for Durham East has suggested makes it questionable.

The other thing I would like to point out is that the approach of both opposition parties shows them to be very bullheaded, but the substance of their arguments is usually more closely linked to the other extremity of the very same animal.

1630

**Mr. Harris:** I just briefly would like to indicate, in response to the member for Mississauga East, that I do not think any of his comments were particularly relevant to the amendment we are discussing at this stage.

I want to indicate that, concerning the Conservative Party task force that he referred to, as irrelevant as the conclusions he cited were to the particular case, I think it incumbent upon me to at least correct the record in a couple of areas.

One, the recommendations were made as a total solution to what was becoming an increasing problem and stood by itself in isolation of the particular bills that are before us.

They may not have been perfect, quite frankly, they were not perfect; we appreciate that, but it was a compilation of what was brought before the task force. But I suggest to members that most Ontarians, I think, would argue that they would much rather deal with that task force report, perhaps with minor amendments here or there, than they would with the two bills that are before us now.

Second, if it appears to the member as though we are changing position, he should not forget that the whole lay of the land has changed. We are now trying to make the best of what is a terribly bad situation and a very bad piece of legislation.

Third, I am shocked he would want to quote what former members in former parliaments had to say on this issue when the minister, who is

bringing in this bill, is the one who, some time around the same time he is quoting our task force and before the last election, stated very unequivocally that to proceed with a municipal option was wrong, that it was a chicken way out, that it would lead to disaster. It was 180 degrees from the direction in which she has now proceeded in her new, resurrected life.

Finally, the member for Mississauga East indicated, I thought in a very arrogant way, that he appreciated some of the comments that were made being brought to his attention. I want to answer that arrogance by saying we really are not speaking to him. We do not think he listened in the committee. We do not think he does anything other than what he is told to do by the power, emperor supreme, the Premier.

The remarks we are making are not addressed to the member at all. Quite frankly, clearly, it does not matter whether he hears them at all because he is going to do exactly what the Premier tells him to do, as is the minister, which is 100 per cent contrary to what her true feelings were some six, eight, 10, 12 and 18 months ago.

**The Deputy Chairman:** All those in favour of Mr. Philip's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Philip:** I would just like to put on the record once again that the vast majority, 93.9 per cent, of the presentations on section 4 were opposed to this section. Before we take that vote on section 4, as amended, I want to have that noted to the Solicitor General.

She does not have the support of business for section 4. She does not have the support of municipalities. She does not have the support of women's groups. She does not have the support of church groups. She will learn, as has happened in British Columbia, that section 4 will lead to wide-open Sunday shopping. This has happened—

**Mr. Faubert:** Nonsense.

**Mr. Philip:** The member says it is nonsense, but it is not nonsense to the 55—

**Mr. Faubert:** It is nonsense. You cannot prove it.

**Mr. Philip:** I can prove that in British Columbia now, 55 of the major municipalities are open. In fact, a majority of British Columbia is wide open as a result of this.

I point out that this municipal option created so much anarchy in both New Brunswick and Nova Scotia that the Liberal governments there, after



two years' experience with it, had to rescind it. I say to the minister that in two or three years' time, we will be rescinding section 4 because it will be proved to be unworkable; either that or we will have wide-open Sunday shopping.

It will probably be another government that will have an opportunity to rescind it, because the people out there will know exactly that those people did not listen to them, that this is the section of the bill they opposed, that they did not listen to the business community, that they did not listen to the citizens, that they did not listen to the churches, that they did not listen to the people who are most affected. This is an unworkable section. It has been proved to be unworkable in three provinces that have tried it.

You seem to be unable to learn from the experience of others. I say to you that either you are very, very stupid in what you are doing or you simply are very, very insensitive.

**Hon. Mrs. Smith:** On a point of order, Mr. Chairman: I believe the member has used unparliamentary, childish language.

**Mr. Philip:** My language was a lot more temperate than that of some of the mayors who talked to the members of their own party about this.

**The Deputy Chairman:** Could I invite the member for Etobicoke-Rexdale to withdraw a comment that many would find to be insulting.

**Mr. Philip:** Which comment, Mr. Chairman? Interjections.

**Mr. Philip:** I asked the question of the Chairman. If he is asking me to withdraw a remark, I ask that he tell me which remark he wishes me to withdraw and I will be happy to withdraw it, if it is unparliamentary.

**The Deputy Chairman:** The remark I take exception, to and find to be abusive or insulting language as defined in the rules, is the remark wherein the member for Etobicoke-Rexdale called the Solicitor General and minister of the crown stupid.

**Mr. Philip:** With respect, Mr. Chairman, I suggest you take your ruling under advisement and check the record. I did not call the minister stupid; I said it was a stupid decision. Furthermore, the word "stupid" is not on the list of unparliamentary language.

Interjections.

**Hon. Mrs. Smith:** Mr. Chairman, in the interest of the passage of the bill, I will withdraw my objection.

1640

**The Deputy Chairman:** The objection has been withdrawn. We are dealing with section 4 and concluding remarks with respect to section 4, because we do not have any further amendments presented to the table. I would like to know if there are any other comments or questions regarding section 4.

**Mr. Pouliot:** To broadly summarize, Mr. Chairman, and thank you for the opportunity, I echo the sentiment and the words of my distinguished colleague the member for Etobicoke-Rexdale. I too find it somewhat surprising that a party which prides itself on being practical, which has the latitude of not really having any philosophy to adhere to, which at times can commit a multitude of sins under the heading of being reasonable, would choose not to pay attention to all components in our society. They have had, and it is a very significant number, almost 500 presenters who were somewhat unanimous, to the tune, let's say, 92 per cent or 93 per cent.

**Mr. Philip:** It is 93.9 per cent.

**Mr. Pouliot:** Yes, 93.9 per cent I am reminded, composed of all denominations across this province of 9.4 million people: clubs, organizations, consumers, business people, chambers of commerce, conglomerates, some people the Liberals can relate to perhaps better than the official opposition, movers and shakers, and they have chosen not to listen. When my distinguished colleague comes up with proposals that will make this legislation a little more palatable, they are so dogmatic and set in their way to the point of being perverse that they do not want to listen.

Recall what happened with Bill 51. The opposition in its wisdom came forth trying to help the government, because it is supposed to be a collective effort, and came up with dozens of well-thought-out, well-worded amendments. The government is paying the consequences for having it its way. Every time we come up with a proposal, because we do so on this side of the House, they very deliberately and systematically choose to ignore it. What they are doing here under section 4 is only fuelling that kind of approach, that kind of style, that kind of method. Then they have the audacity to accuse the opposition of being systematic and deliberate in its stalling tactics.

It ain't so. If they had the least intention to listen to what the people out there are saying, especially on a moral issue that goes to the very foundation of the society in which we live, they

would at least listen to people, to the people paying their wages, who are saying, "You have stolen Sunday from us."

We are giving them the ammunition to salvage a situation that is not really what the people of Ontario desire. That is all my colleague has tried to say. In terms of food for thought, I really feel that every time we stay awake at night thinking of proposals to make this situation a little better, almost inevitably, unless they come from the government side of the House, we are turned down. Please do not tell me it is an open process.

Our patience, too, as the group of 19 soldiers we are, is wearing a little thin. It is okay for the government House leader to say we have abused this and we have abused that. He did exactly the same things with more passion and more vengeance when he was on this side of the House, but now that his turn has come, he has forgotten about ethics and we are the culprits. We are not going to take it any more. This is as good as it gets.

While there is still time before Monday, let's take a look at the wording. Never mind the bias and the prejudice and the arrogance the Liberals are becoming famous for. Let's deal with the words of wisdom prepared so well by the member for Etobicoke-Rexdale and let's proceed with it.

**Hon. Mrs. Smith:** I want to say briefly that in section 4 we have recognized two very important principles here. The first is the importance and the right of people to design a municipality of their own choosing. Sault Ste. Marie has demonstrated by referendum what it considers to be a municipality of its own choosing. We do not want to restrict them from having this right to so express and act upon the will of their citizens.

On the other hand, this bill means that for the first time municipal governments will have to address their own communities before they can change and bring in bylaws that open stores. This particular clause prevents what happened a few days ago in the municipality of Sharon. I am told a bylaw was passed at the very tail-end of a council meeting with no reference to the people.

The local people know what they want, whether they are in London or Brantford where they seem to prefer a very closed situation, or whether they are in Sault Ste. Marie where they seem to prefer a more open situation. They will have a law that allows them to enforce their will, and furthermore, allows them to express to the council what they want before the council can act.

This is the first time the people in the municipalities have had this option to speak to the council before it can act. We are very pleased to give this to the people because it is the people in the local area who know what is best and right for their community.

**Mr. Farnan:** I will just take two minutes on section 4 because it is very important to the bill. Indeed, the Solicitor General in her own words said the municipal option is the essence of the bill. Not only did she say it was the essence of the bill, but also from the very start, during the public hearings and throughout clause-by-clause consideration, she said it was non-negotiable.

The Solicitor General has said today there are various principles involved and she talked about these principles. I want to say directly to the Solicitor General that there is one principle involved. That principle is the principle of democracy.

The minister did two things that are totally unacceptable in a democracy. First of all, there was a parliamentary committee sitting to have hearings into this, listening to the people of Ontario. She interfered with that process. While the people of Ontario were giving their views to the parliamentary committee, she prejudged the outcome of the committee by saying that no matter what the people of Ontario said, she would not listen, that it was non-negotiable. That is not democracy.

Second, after the people of Ontario spoke with a very unanimous and unequivocal voice, she rejected what they said. As for the principle at stake in this legislation, she is quite right. The municipal option is the essence of the bill. The principle at stake is the fact that she is not prepared to listen to the people of Ontario. She does not allow parliamentary committees the freedom to go out and listen to the people of Ontario because she prejudges.

This is dictatorship, pure and simple. The minister has gone out to the people. She has heard what the people had to say. She is saying: "We do not care what the people of Ontario want. We, David Peterson; we, Madam Minister Solicitor General; we, the Liberal Party will do what we think is right and to hell with the people of Ontario." That is dictatorship. It is not democracy.

**1650**

**Mr. Sola:** I would like to bring into question the honourable member's judgement. The honourable member travelled around the province with the committee with a mascot. In every city of this province, the honourable member identi-



fied the mascot as a chicken in order to apply it to his preconceived notion. He received expert advice in every city and from the honourable member for Lincoln (Mr. Pelissero), and still to this day he maintains that that mascot is a chicken. Even to my city-bred eyes, that mascot was a duck.

If any member, despite such sage advice as was offered by the member for Lincoln, would still insist that a duck is a chicken, how can the people of Ontario trust his judgement on what is democracy, on what is Sunday opening and on what is Sunday closing? I wish they would take that judgement into account and then take it from there.

**Mr. Farnan:** I am so delighted to respond to my colleague. First of all, he is absolutely correct.

I want to tell the members a little story. I went into a store, looking to buy a chicken. They did not have one. This looked almost like a chicken, so I said, "Well, I'm dealing with Liberals, so they're not going to know the difference."

So I put the chicken on the desk, and for two weeks we travelled around the province and then one afternoon, one of the Liberals came in and he looked at this and he said, "Hey, that's not a chicken; it's a duck." After two weeks, the Liberals were able to recognize the difference between a chicken and a duck, and these are the people who want to legislate on very important legislation. It is absolutely extraordinary.

Before I sit down, I want to say why I chose the symbol of the chicken. It symbolized a government that wants to pass on the tough decisions to the municipalities. It symbolized a Solicitor General who says the municipal option is the chicken way out. It symbolizes the rows and rows of Liberal backbenchers who are absolutely spineless and will go in and vote exactly the way they are told.

But I want to apologize to all the ducks for the subterfuge that took place. Indeed, I should say that it is sad that I have to compare these chickens and ducks with Liberals, because unfortunately these Liberals will not just be ducks, they will be dead ducks come the next election. They are going to go ahead, not listening to the people of Ontario, and there is a political price to pay.

My friends, 94 Liberals will come in here later today and they will come in like chickens and they will do exactly what they are told. Is it not extraordinary? I did not intend to speak about chickens; I did not intend to speak about ducks. But the only thing of substance the Liberal Party could come up with to discuss on very important

legislation affecting millions of people across the province is that the member comes up and he wants to talk about a chicken.

The Liberals ought to be ashamed of themselves. They have absolutely nothing to say and they come in here on a very important debate and want to talk about chickens. They are a disgrace to the people of Ontario.

**Mr. Solà:** I would like to point out to the members here present an extraordinary thing. The member for Cambridge has made a confession. He has made a confession on behalf of himself and his whole party.

**Mr. J. M. Johnson:** On a point of order, Mr. Chairman: We are dealing with an important piece of legislation and we have these jackass comments about chickens and ducks. We have three quarters of an hour and I have an important amendment that I wish to move.

Interjections.

**Mr. Chairman:** Order, please. The member for Mississauga East.

**Mr. Solà:** As I was saying, the member has made a confession on his own behalf and on his party's. He said it appeared as one thing, but he could sell it as another. That is what he is doing with Bill 113. He says, "It is Sunday closing, but I can sell it as Sunday opening," and he has been doing that from day one. He made the confession on behalf of himself and his party, and I am glad he did it. It is in Hansard, and I think this will justify the actions that we have taken.

**Mr. Chairman:** May we now proceed? Are we ready to look at section 5? Would the member for Rainy River like to bring in an amendment?

**Mr. Hampton:** Yes, Mr. Chairman. I believe you have the amendment in front of you.

**Mr. Philip:** On a point of order, Mr. Chairman: I think there has to be a vote taken on section 4, as amended, does there not?

**Mr. Chairman:** Not until after all the questions have been put in the stack. After the stacking, once we have finished looking at point by point, we shall take a vote on each of the sections, including section 4, but not at this time.

Mr. Hampton moves that subsection 5(1) of the act, as set out in section 4 of the bill, be amended by striking out the words "another day of the week by reason of the religion of the owner of the retail business" in the fifth and sixth lines of the section, and adding the words "the preceding Saturday" following the word "throughout" as it appears in the fifth line of the section.

**Mr. Hampton:** This section of the bill is known as the Sabbatarian exemption. The

government, on various occasions, has said it favours the wording of this Sabbatarian exemption. The reason we have proposed this amendment is because, in our view, the government's version of a Sabbatarian exemption, as given in the bill, is in fact inviting Charter of Rights scrutiny by the courts. What the section, as written in the bill, is saying is that someone may open on Sunday if he closes on another day of the week by reason of the religion of the owner. What would be involved here would be an examination of the religion of the owner.

We went through this in committee somewhat, but the answers we got from the government were not very satisfactory. The fact of the matter is, when you read the *Edwards Books* and *Lord's Prayer* cases, one having been decided by the Supreme Court of Canada, the other having been decided by the Supreme Court of Ontario, the courts are saying it is not appropriate or is appropriate only in limited circumstances to go on some kind of inquisition as to the religious beliefs of an individual or of individuals; that this kind of inquisition as to the religious beliefs of an individual or of a group is, in many cases, an infringement of the Charter of Rights.

The government says: "Well, really, any inquisition that would happen here as to an individual's religious beliefs would be made in order to protect the individual's religious beliefs." However, if you look at what the bill is about, the bill is not about the protection of religious beliefs, nor is this section. This section is about promoting or permitting the opening of retail businesses on Sunday. What in fact would be happening under this bill is that the government would be making an inquiry as to an individual's religious beliefs, in order to determine whether or not he should be allowed to open his business on Sunday.

### 1700

It seems to us that is quite some stretching of words to say that in doing that the government is protecting that individual's religious beliefs or it is promoting the protection of that individual's religious beliefs. In fact, we think what is very likely going to happen, if the members read the *Edwards Books* case or the *Lord's Prayer* case, is that the court is going to look at subsection 5(1), and very soon it is going to say, "No, this cannot pass."

We suggest that one of the things that might happen is that a court would be very likely to strike out the part of subsection 5(1) that says "by reason of the religion of the owner of the retail business" and simply say to the government of

Ontario, "You have no business inquiring as to the religion of the owner of the business." What happens to subsection 5(1) if you strike that part out? What happens to it is that someone can stay open any day of the week they want at any time because subsection 5(1) is then thrown wide open.

The *Edwards Books* case reviews the Sabbatarian exemption and it makes comments on it. It says that the existing Sabbatarian exemption, as found in the existing Retail Business Holidays Act, is an acceptable Sabbatarian exemption. It does not say it is the greatest one, but it says it is an acceptable one. What is more, it points out that the Sabbatarian exemption in this kind of legislation is there to permit a business to open when the day chosen—in that case it is a Saturday—is more suitable to the individual's religion than, say, Sunday worship.

In our view, doing away with the words "another day of the week by reason of the religion of the owner of the retail business" in fact is doing away with something which is most objectionable in this legislation. No one, in our view, appreciates someone going on a lengthy inquiry as to what a person's religion is. If the government contends that it is acceptable to go on an inquiry as to what people's religious beliefs are, in order to determine whether they should be allowed to open their retail business on Sunday, then where does one set the limits?

Why can one not go on an inquest as to people's religious beliefs for other reasons? Why can one not inquire as to people's religious beliefs for the purposes of deciding what football team they can play on or what sports they can take part in? One comes to the same sort of situation. To go on an inquest, to make an inquiry as to people's religious beliefs merely to facilitate the opening of a business on Sunday is surely not within the kinds of limits the Charter of Rights sets.

We say to the government that it is taking a very careless step here. It is inviting the court to step in and strike this down. If the court does step in and strike this down, then it is left with absolutely wide-open Sunday shopping across the province. Perhaps that is what it wants. I have to admit that many of the groups we spoke to in the committee said that: that what the government is really after is wide-open Sunday shopping and it is going to try to do it incrementally. If this section of the bill is struck down, they have certainly done it incrementally because as soon as the court strikes that section of the bill down,



anybody can stay open any time of the week they want.

Our view is to simply remove any reference at all to religion and simply say that people may open on Sunday if they have remained closed on the preceding Saturday and they do that as a rule; not open Saturday one week and Sunday the next. If the government does that, it removes any reference to people's religion, it removes any requirement to inquire into someone's religion and it is not in danger of infringing on the Charter of Rights.

But, in our view, the way this legislation is written, not only will it offend many groups that they have to submit to some inquiry as to their religion, but it is inviting scrutiny under the Charter of Rights. It is pretty clear that if our amendment to section 1 goes, we would also want to wipe out section 2, because section 2 further delineates and further specifies the kind of religious inquiry one has to go through in order to follow the requirements of the bill as printed.

We urge the government to stay out of the question of religion altogether and put in—if I may call it—a nonsectarian Sabbatarian exemption, to simply say to people, "If you want to stay open on Sunday, then you must stay closed on Saturday." It is a much safer route to go. It infringes on people's rights much less, and the government does not invite the scrutiny of the courts, which may end up completely wiping out subsection 5(1) and therefore allowing stores to stay open on any day of the week, whenever they so choose.

**Mr. J. M. Johnson:** I stand to support the amendment as presented by the member for Rainy River. I had a similar amendment to make and I would just like to read it into the record, because with less than 40 minutes remaining I doubt very much if we will get to any more amendments. My amendment is very similar:

I move that subsection 5(1) of the proposed amendment to the said act be amended by deleting "by reason of the religion of the owner of the retail business" and be further amended by deleting subsections 5(2), 5(3), 5(4), 5(5) and 5(6).

Mr. Chairman, may I speak to the amendment by the member for Rainy River? I am very disappointed that the government would get into this type of area, this religious connotation to the bill. It is extremely offensive in my mind that a person's religion should be brought into the business community. It seems to me that it was only a short while ago that I was tabling petitions

that the Lord's Prayer not be used in the school system.

The Minister of Education in his wisdom decided that there should be certain changes made. The long and the short of it is that the Lord's Prayer was taken out of the school system but is now coming into the retail stores of Ontario.

**Mr. Fleet:** It is a court decision.

**Mr. J. M. Johnson:** The member for High Park-Swansea says, "It is a court decision." As the member for Rainy River has stated, that very well may be the case for this piece of legislation. It too will end up in the courts.

**Mr. Faubert:** Well, let it pass.

**Mr. Fleet:** We are content to let the courts decide.

**Mr. Faubert:** That is what lawyers are for.

**Mr. Chairman:** Order, please.

**Mr. J. M. Johnson:** The comments that have been made by the members on my left are the very important considerations that the member for Rainy River was trying to impress on them: that this legislation is flawed. Why draft a piece of legislation on the understanding or even the hope that it will have to go to the courts for interpretation? It does not make sense.

**Mr. Fleet:** No, it will not. It will survive the test.

**Mr. J. M. Johnson:** Why are you making reference to the courts if that is not the case?

**Mr. Fleet:** You are saying that the Lord's Prayer decision was made by the minister and—

**Mr. Chairman:** Order, please. The member for Wellington has the floor.

**Mr. Fleet:** He asked me a question.

**Mr. J. M. Johnson:** Thank you, Mr. Chairman. Just to correct the record: The decision was made by the court and the minister responded to it, just as this minister will have to respond to the decision handed down by the court in future. I wonder if the minister really wants someone else to rule on the validity of this piece of legislation.

I would like to just make reference to clause 5(2)(b): "in the case of a partnership, the religion named in a written agreement between the partners which is the religion of one of the partners." What in heaven's name does that mean: the religion named in a written agreement? They can decide they are whatever? Is this an overnight conversion, that if it suits them to be a certain religion, that is what is going to be in the agreement? If there happen to be several partners, they could pick out whichever one

suited the occasion? I hope that is not what is intended.

1710

Clause (c), "in the case of a corporation, the religion named in the bylaws of the corporation." Could a corporation name whatever religion suited the case? A religious corporation: that sounds unique. What is a religious corporation? Will it be a marriage of convenience for this legislation? Will we have a case where a corporation can decide that it should be a certain religion because it is more financially beneficial to that corporation?

I just feel that the whole section 5 is going to lead to a lot of controversy, a lot of problems. It certainly infringes on the rights of many people in this province. I cannot understand how the question of a person's religion can enter into the retail business in this province.

**Mr. Dietsch:** I would like to put a few comments on the record with respect to some of the discussions which have taken place in this Legislature. I have never in all my days seen as much misleading information as has been given in the discussions which have centred on this bill.

For one thing, for individuals who are of the opinion that this bill will create wide-open Sundays, that is a totally false. What we are talking about in section 5 and other sections of this bill is an opportunity for local municipalities to be the authors of their own destiny, to have the right to make decisions close to them. I think it goes without saying that there are many decisions made in this House that seem to be weighted towards the Toronto base of all parties which centre in this House.

In the area I come from, St. Catharines-Brock in the Niagara region, nothing could upset people more than to remove decisions to Toronto rather than to reflect the thinking of people from the area. To say that what this bill does is create a wide-open Sunday atmosphere is totally erroneous. This legislation has clauses to protect the individuals who happen to share the opinion I share. I have been on the public record on a number of occasions as saying that I do not support wide-open Sundays. I still hold that feeling very close. Individuals who feel that this type of legislation is going to create a wide-open Sunday atmosphere are misleading the general public.

The amendments that are in place are going to allow individuals, first, the opportunity through public advertisement; second, the opportunity through public meetings and public forums, where they will have an opportunity to voice their

concerns to local municipalities; third, it will give them an opportunity at the local level to make a decision to open or to close. That authority in the Niagara region, as an example, will have to have the approval of the regional level. That is a safeguard for those individuals who feel very strongly.

I would like to concentrate for a moment with respect to the religious aspect. I sometimes think in my mind that there could be a bit of hypocrisy in some of the statements that are being made in this House. Look at the opportunity for an individual who happens to work in a gas service station, for an individual who happens to work in a restaurant or for an individual who happens to work in the arena where everybody likes to go on Sunday with the family. Does that mean to say they are any less religious or have any fewer Christian beliefs than anyone else? I can tell members I would defy anyone who could stand up and point to any individual and say that because they work on Sunday they are less religious or they have less of a community life than anybody else.

I think of this legislation and the amount of discussion and dialogue that has gone on in this House and has gone on in committee. My good friend the member for Durham East has indicated that St. Catharines has indicated on a number of occasions its objection to the legislation that is before us. I would simply and very respectfully submit that is because individuals in their party and the opposition parties have done the absolutely admirable job of confusing the general public on what this legislation is all about.

The individuals in my particular riding will not in any way, shape or form, open their stores. That is my belief. They are vehemently opposed to shopping on Sunday. However, they recognize areas that cater to certain parts of their communities, such as in Niagara-on-the-Lake where the main street is open. The Queenston area is open. The Virgil area is closed and the St. Davids area is closed. I can tell you that that will not change. I have the fullest and highest respect for the individuals who will be making those decisions on that local council. I sat with them for a number of years and I know they will not in any way, shape or form, change the way of life they enjoy today.

When I look at the other area I represent in St. Catharines, I look at the area of Port Dalhousie being open and the rest of the city of St. Catharines being closed. I can tell members that in talking to the mayor and in talking to many of the representatives on city council, they do not



want Sunday shopping and they have voiced that concern very strongly. But when I point out that the decision is not a decision that will be Toronto-based, that it is a decision that will be locally based, they are much more attuned to understanding that they will be authors of their own fate as to what is happening for their own future.

I think it is important to have those points clarified. I think it is important to understand the regulations for those who flout the law, as it happens in our nice city of Toronto here by the local furrier. The regulation that has been amended will make that rule that much stiffer, that much tighter and the fine that much higher. I can tell members that our friend the furrier will be thinking very seriously about opening that store and the flouting of the law that has gone on and on and on.

Those kinds of things that people look at, which are removed into the city of Toronto, are not the kinds of things that we like to do in the Niagara Peninsula. The respect for other religions that I hold, and that others in this House hold, speaks well for the types of regulations that individual municipalities will have the opportunity to deal with on their own local basis.

St. Catharines is not the same as Toronto and St. Catharines is not the same as Sault Ste. Marie. I personally would not like to see, and many of the people I represent would not like to see, individuals from Sault Ste. Marie dictating the future to St. Catharines and vice versa.

## 1720

I think it goes without saying that these are the kinds of positive steps that have been taken in legislation that will give that local autonomy, that local opportunity to make decisions, and take it away from that Toronto-based decision. It does not mean in any way, shape or form that the individuals who enjoy that community life will be any less community-organized or community-sponsored or community-living individuals in those areas.

I can say, with all due respect to a lot of the rhetoric that has been shared by some of the individuals from my friends on my right, that it goes without saying they have done an exceptional job of confusing the general public; but I, along with the rest of my colleagues in the government, believe that when all the dust and all the rhetoric settles and all the verbiage of heavy dialogue settles to the bottom, common sense will prevail and in our respective areas, people will understand that the decision is made on a

local level, where they in fact have a higher and better opportunity for input.

My friend Gerald Vandezande, I read in the paper this morning, was quoted as saying that it will be easier to fight the battle on the local level, because they are more in touch with the people. I agree with some of his discussion. I agree, in part, with the discussion that at the local level people have an opportunity. Often, we do not see where these legislative opportunities for individuals to come here have filled to the brim, but at local council meetings, where I have had an opportunity to sit for a good number of years, they have in fact filled to the brim when people have been upset over local decisions.

I can say of our friends from the Association of Municipalities of Ontario, of which I was a vice-president on that board and hold it in the highest respect, I remember only a few short years ago when we from AMO asked for more responsibility, to be able to take a more concise part in decision-making at the local level. It seems to me to be a bit of a shift in policy from where they are going now. I understand them now to say, "We want to have local autonomy and we want to make local decisions, but we don't want the tough ones, so keep them aside."

I can say that in terms of looking at local option, I think the legislation is in fact dealing with it the right way. Without doubt, there will be ongoing criticisms, but I would definitely like to see where individuals from a religious background can come forward and show me and my colleagues where anyone who works on Sunday or who participates on Sunday is any less of a religious individual than I or anyone else.

I can say that it seems, once again, a bit where I get caught in the hypocrisy of it. There were those who would say: "Isn't there an opportunity for individuals who want to go down to the local gas station to buy gas on Sunday? Is there something wrong with that?" They might like to take their wives out for breakfast after church on Sunday, but they do not mind the waitress waiting on them: Is there something wrong with that? There are those who would say, "No, there's nothing wrong with it," but I seem to have heard the argument of late that there appears to be something wrong.

I appreciate the opportunity to go on record and say that I think the legislation has gone a long way to correct some of the areas of the law that have been twisted and I think it has gone a long way towards addressing the concerns of individuals so that they are in fact protected in Ontario.

**Mr. J. M. Johnson:** I have one brief comment and the member for Etobicoke-Rexdale has some more amendments to make.

I would like to point out to the member for St. Catharines-Brock (Mr. Dietsch) that I was very disappointed in his comments, the rhetoric, hypocrisy and confusion, things of that nature. I do not particularly mind that, because I accept that he has to say something, but I would like to point out that when the municipal councils are forced to deal with this legislation and they have to define the religion of the owner, the religion named in the bylaws of corporations and things of this nature, and police it, they are going to be very pleased with the member's comments and his reference to AMO. I hope he remembers it in the very near future.

**Mr. Dietsch:** With all due respect to the member, when I sit in this House and I hear comments like "stupid" and "sleazy," I think comments that are put in the general context that I have used, I stand behind. I think that is the way I have accepted them. If one could clean up all the comments that have been made by the member's colleagues, comments which have been made in this House, one would accomplish a great deal.

I know I chose my words very carefully. I feel most strongly that those opportunities degrade this whole House. I would be most agreeable to retracting comments like that if one could achieve the opportunity for all those other comments to be withdrawn as well.

**Mr. Chairman:** I can only take this opportunity to remind all members of all parties to try to use the best parliamentary language possible.

**Mr. Ferraro:** I have just been advised that we are not going to have a lot of time on Tuesday and I did want to get a few comments on the record in that I think I have the distinction of being the member of the Liberal Party quoted more than any other by the leaders of both opposition parties and indeed probably more so by backbenchers in the opposition parties. I think it is important that I get my two cents in. I am mindful of the fact that there are some other amendments that have to be proposed.

The leaders of the opposition parties have publicly and in this House indicated my personal point of view, that is, that Guelph should remain closed on Sunday essentially, that I am not in favour of Sunday shopping. They have quoted me correctly in that regard. The leaders of the opposition have indicated that vis-à-vis Bill 114 I have said it is not 100 per cent protection for the employees. Yes, indeed, they have quoted me correctly.

Quite frankly, in that regard I think it is logical to say from my perspective, if from no other, that I do not think you can ever give an employee 100 per cent protection, save and except in a communist or totally socialistic country, which of course does not work.

The leaders of the opposition have failed to tell the people in this House and in Ontario, the people in my riding, that I am in favour of the local option. Indeed, they have had the local option, as indicated by other members in this House, since 1950. They have indicated, particularly the Leader of the Opposition (Mr. B. Rae) that indeed his comments were made in conjunction with his attempt to advance my career. If that is advancing my career, then I suggest that if I were drowning, I am sure the Leader of the Opposition would throw me an anchor very quickly.

I want to say in regard to the essence, if you will, the heart and soul of this bill, that indeed we are talking about the local option. I want to commend the opposition, because indeed we made a mistake. The mistake was that we said what we were going to do before we had the bill. The opposition, of course, seized upon that and immediately aroused the entire province and did a heck of a good deal of it. I commend them for it.

Emotionally, everyone was excited. I answered many letters, many phone calls. I participated in a debate with the member for Rainy River and my friend the member for Wellington (Mr. J. M. Johnson) and the labour council. I had an open house, if you will, in my own riding.

### 1730

When I told them the facts, I told them—and with great respect, some members of my own city council—that they already had the option called the tourist exemption. In five minutes, if they wanted to, they could pass a bylaw declaring all of Guelph, the city—or a store—a tourist area so that they had Sunday shopping; they had the local option. That is the bottom line.

There is nothing wrong with divergence of opinion. The opposition will say that the tourist exemption, which is an option any of the 822 municipalities in Ontario can exercise as to whether they want to open, is still an option. The opposition can say it is not. I suggest to them it is. I just want to get on record a quote specifically for the purposes of the third party.

The quote is: "I do not think, Mr. Speaker, anything could be more flexible than to meet the great requirements and the varying conditions in this province. It is strictly democratic. The



matter is placed in the hands of the people themselves and in the absolute control of their elected council. There is nothing wide open about this act. It does nothing to induce any community to change its pattern of life. It enables the people to settle their own affairs in their own way."

That quote is by the former premier of Ontario, Premier Leslie Frost, a notable Conservative individual who obviously differs with the opinion of the third party today.

In conclusion, that is my state of the union address. I still am against Sunday shopping. I totally support the ideas presented by bills 113 and 114. They retain and strengthen the existing legislation and options that each municipality in Ontario has had since 1950.

Opposition members would say that the tourist exemption we have had since 1975, or the local option we have had since 1950—they would probably try to convince somebody that the two most noticeable things about Dolly Parton are her hair and her voice. Everyone knows, of course, that it is her ears.

I finish by saying and indeed agreeing with the previous speaker that nothing will change. The city of Guelph will remain closed because I have not heard any of my municipal councillors say anything to the contrary. There will not be a domino effect. I have not heard any member from Cambridge, Waterloo or Kitchener indicate he wants Sunday shopping.

If we have not had Sunday shopping since 1975, I suggest nothing will change. I suggest the apprehension, the emotion, the furor created by the opposition was purely rhetorical, that time will prove that nothing has changed, save and except that some of the businesses that are open today will have to close, because in my view this legislation is tougher anti-Sunday-shopping legislation.

I am proud to say that I will be standing in my seat supporting it wholeheartedly on Tuesday.

**Mr. Kanter:** I want to speak quite specifically to the amendment the New Democratic Party has moved. I want to say, in opening, that the balance between commercial practice and religious freedom is obviously a very difficult balance to draw.

I want to make a comment. There has been a lot of disagreement, disharmony, discord and dissension on this bill. On this issue, I was really surprisingly pleased by the amount of respect, tolerance and understanding of the fact that the minority in the province, or in any given

community, did have some rights and had to be respected.

I want to say that most of the deputants, as well as most of the opposition members, almost all of the opposition members all of the time, respected that tolerance, that diversity. There may be some differences in degree, but I think the amendment put by the members of the official opposition today is a variation, but really a relatively small one, on the position the government has taken on this subject.

We have said there is a Sunday exception available to all those who close consistently any other day of the week by reason of their religious views. We feel that is appropriate because of the changing population of this province, not just a Christian majority and perhaps a Jewish minority, some of whom are very scrupulous in observing Saturday as the Sabbath, but other people as well, people of the Muslim, Hindu or other religious persuasions.

We feel it is important that if they close on other days, they should be open on Sunday without the kinds of restrictions found in the previous legislation. We feel that is supported by decisions in cases such as *Edwards Books and Art* that were referred to by the official opposition. We feel this is legislation to extend respect for religious freedom. We feel the point of cases like *Edwards Books and Art* is that governments can pass legislation that extends respect for religious freedom; they ought not to pass legislation that restricts religious freedom.

Let me be very clear about this. We are not suggesting a municipality ought to have the responsibility of defining religion. We are not suggesting municipal police forces ought to have the responsibility of reviewing religious practices. We are saying that the exercise of religious freedom ought to be an exception to the usual provincial closing framework. It ought to be something that is sacred, that is inviolate, that is not subject to municipal intervention. We feel this is not only something we should do as a matter of something that is morally correct, but something we must do, according to Supreme Court decisions like the case in the *Edwards* bookstores that was already discussed.

I want to be clear that I think the vast majority of deputants and all parties agree on the principle of a religious exemption. There is some difference in detail and some difference in practice. The NDP motion here before us does not go, in my view, as far as the government motion and is not as appropriate for the increasingly diverse population of the province. It would have an

exemption for those who are closed on the preceding Saturday, but not for those who may close on other days for other valid religious reasons.

I know of situations in the community of Toronto, for example, not necessarily in the riding I represent but certainly in the community I represent. The bazaar at Coxwell and Gerrard is one that comes to mind, a very thriving area on Sunday where the merchants may choose not to close on Saturday—that is not their day of religious rest—but may choose to close on other days. It is our view that our amendment allows for that practice and the amendment of the official opposition does not.

In closing, in summary with respect to this amendment, our entire approach in this bill has been to try to strike an appropriate balance between a provincial closing law with stricter enforcement, a meaningful law, one that is actually enforced, and also to provide the necessary exemptions for those who do not wish to follow that law for religious reasons, and also a law that provides appropriate municipal exemptions.

This gets into the broader parts of the act that have been discussed, primarily in section 4, broader exemptions for those who choose to change or alter the provincial framework on a municipal level, but also for greater protection for individuals. The minister referred to that this afternoon. I think it is a very important point.

Probably the greatest single change in our bill from the previous bill that will affect most people is that before there is a change, before there is an opening or a closing, the average citizen will have an opportunity to have his say, so that we cannot have a repetition of the kind of thing that happened—I think the minister referred to a smallish municipality in the region of York where late one night, at two or three o'clock in the morning, a law was changed to allow Sunday openings, without notice, without participation, without advertising to the citizens of that municipality.

I think that both with respect to the specific section we are dealing with, that is, section 4, and indeed the law as a whole, our bill attempts and in fact succeeds in establishing a much better balance.

**Hon. Mrs. Smith:** I just want to advise the members of the House that as my parliamentary assistant has said, our intention was clear: to continue the protections that existed and to extend them to others of other religious persuasions.

1740

I wish to point out on the legal aspect of it that we had the best advice we could get as to how to do this, which is what we all intended. The court cases that are presently on the record were both brought about by people of Jewish religion who challenged the law under their religious rights; therefore, they referred to Saturday. But it is obvious this same law could be taken to the courts by someone of the Muslim religion and it would be thrown out, as the bill in British Columbia was thrown out, because it did not protect the religious rights of that individual.

Not only do we want to extend it; we feel that legally we must extend it to people of all religions so that everybody's individual rights are protected. Otherwise, that individual will be able to overthrow it in the Supreme Court.

On the point raised by the member from the third party about introducing religion into bills and such, I note that Chief Justice Dickson of the Supreme Court, in making his ruling on the Edwards Books and Art case, said, "The provisions which protect religious freedom may require someone to assert that they have a religious belief in order to protect that right." He went on to say, "Inquiries which are genuinely designed as a means to give effect to religious freedoms will not be generally regarded as unconstitutional."

I want to point out that after great study by the legal people within my ministry and the ministry of the Attorney General, this was structured in a way that we believe will stand any challenge in the courts and protect the individual rights of all people.

**Mr. Chairman:** Are we ready to take a vote on Mr. Hampton's amendment? Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye".

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Philip:** Mr. Chairman, I have an amendment to section 6.

I move that subsections 7(1), 7(2) and 7(3) of the act as set out in section 6 of the bill be struck out and the following substituted therefor:

"(1) Every person carrying on a retail business in a retail establishment who contravenes subsection 2(1) or a regulation made under section 4 is guilty of an offence and on conviction is liable to a fine equal to the gross sales of the retail business establishment on the day on which the contravention occurred.



"(2) Every person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment who contravenes subsection 2(2) or a regulation made under section 4 is guilty of an offence and on conviction is liable to a minimum fine of,

"(a) \$1,000 for a first offence;

"(b) \$10,000 for a second offence; and

"(c) \$50,000 for a third and each subsequent offence."

Presentation after presentation before the committee was that there be a minimum fine; that without that, there is no deterrent. That is the purpose of the amendment.

**Mr. Chairman:** You will have realized that you were moving an amendment to section 6 without our having touched section 5. That is purely technical.

Pursuant to the time allocation order, I am required to interrupt the proceedings of the committee—

**Mr. Philip:** Are you going to put the amendment?

**Mr. Chairman:** No, I cannot. I am out of time. If I can read this, you will know.

**Mr. Philip:** It is not a quarter to six yet.

**Mr. Chairman:** On the official clock, it is way beyond a quarter to six. I cannot proceed—according to the order, if I may read the text. Pursuant to the time allocation order, I am required to interrupt the proceedings of the committee and put all questions necessary to dispose of every section of Bill 113 and Bill 114.

**Mr. Philip:** Perhaps we could have unanimous consent to at least have a vote on this important amendment.

Agreed to.

**Mr. Chairman:** Since you have a motion for section 6, shall section 5 carry?

Section 5 agreed to.

**Mr. Chairman:** All those in favour of Mr. Philip's amendment to section 6 will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Chairman:** Now, if I may read, pursuant to the time allocation, I am required to interrupt the proceedings of the committee and "put all questions necessary to dispose of every section of" Bill 113 and Bill 114. By unanimous consent, the committee deferred all divisions to 5:45 p.m. and I remind the committee that the bells are limited to 15 minutes.

## 1801

### Section 3:

The committee divided on Mr. Runciman's amendment to section 3, which was negated on the following vote:

Ayes 10; nays 76.

The committee divided on whether section 3 should stand as part of the bill, which was agreed to on the following vote:

Ayes 72; nays 14.

Section 3 agreed to.

### Section 4:

The committee divided on Mr. Hampton's amendment to subsection 4(1), which was negated on the following vote:

Ayes 24; nays 62.

The committee divided on Mr. Hampton's amendment to subsection 4(2), which was negated on the same vote.

The committee divided on Mr. Philip's amendment to subsection 4(2), which was negated on the same vote.

The committee divided on Mr. Hampton's amendment to subsection 4(7), which was negated on the same vote.

The committee divided on Mr. Philip's amendment to subsection 4(8), which was negated on the same vote.

## 1810

The committee divided on Mr. Philip's amendment to add subsection 4(9), which was negated on the same vote.

The committee divided on Mr. Runciman's amendment to substitute a new section 4, which was negated on the same vote.

The committee divided on Mr. Philip's amendment to add subsection 4a, which was negated on the same vote.

The committee divided on Mr. Hampton's amendment to section 5 of the act as set out in section 4 of the bill, which was negated on the same vote.

The committee divided on whether section 4 should stand as part of the bill, which was agreed to on the same vote reversed.

Section 4 agreed to.

### Section 6:

The committee divided on Mr. Philip's amendment to section 6, which was negated on the following vote:

Ayes 24; nays 62.

The committee divided on whether section 6 should stand as part of the bill, which was agreed to on the same vote reversed.

Section 6 agreed to.

Sections 7 and 8:

The committee divided on whether sections 7 and 8 should stand as part of the bill, which was agreed to on the same vote.

Sections 7 and 8 agreed to.

The committee divided on whether Bill 113 should be reported, which was agreed to on the same vote.

The committee divided on whether Bill 114 should be reported, which was agreed to on the same vote.

On motion by Hon. Mr. Conway, the committee of the whole House reported two bills without amendment.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** Pursuant to standing order 13, I would like to indicate the business of the House for the coming week.

On Monday, February 6, we will continue with the adjourned debate on the second reading of Bill 187, as well as with the second reading of Bills 149, 203, 169, 192, 197, 134, 135 and 128. Any votes arising out of these deliberations will be stacked until 5:45 p.m. on Monday afternoon.

On Tuesday, February 7, we will deal with government notice of motion 20, in this particular case that last of those sessional days for the third reading of Bills 113 and 114.

On Wednesday, February 8, we will consider the nonconfidence motion standing in the name of the member for Sarnia (Mr. Brandt).

On Thursday, February 9, in the morning we will deal with private members' business standing in the names of the member for Brampton South (Mr. Callahan) and the member for Northumberland (Mrs. Fawcett). In the afternoon we will consider the second reading of Bill 175 and Bill 194, and again any votes rising out of those proceedings will be stacked until 5:45 of that Thursday afternoon.

The House adjourned at 6:21 p.m.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edghoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)

**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in  
 each issue. Lists of the members of the executive  
 council, parliamentary assistants and members  
 of committees, brought up to date as necessary,  
 are published in Hansard in the first and last  
 issues of each session and on the first sitting day  
 of each month.



## CONTENTS

Thursday, February 2, 1989

**Private members' public business/Affaires d'intérêt public émanant de simples députés**

<b>Northern Ontario artists and cultural groups</b> , resolution 60, Mr. Campbell, Mr. Pouliot, Mr. Cousens, Mr. Leone, Mr. R. F. Johnston, Mr. Pollock, Mr. Kozyra, agreed to . . .	7841
<b>Artistes et groupes culturels du Nord de l'Ontario</b> , résolution 60, M. Campbell, M. Pouliot, M. Cousens, M. Leone, M. R. F. Johnston, M. Pollock, M. Kozyra, adoption de la motion . . . . .	7841
<b>Environment and economy</b> , resolution 59, Mr. Neumann, Mrs. Grier, Mr. J. M. Johnson, Mr. Elliot, Mr. Hampton, Mr. Runciman, agreed to . . . . .	7850

**Members' statements**

<b>Voting by private members</b> , Mr. Farnan . . . . .	7861
<b>Trade with United States</b> , Mr. McCague . . . . .	7861
<b>Mark and Hugh Wilson</b> , Mr. Owen . . . . .	7861
<b>Retail store hours</b> , Mrs. Grier . . . . .	7861
<b>Developmentally handicapped</b> , Mr. Jackson . . . . .	7862
<b>Environmental protection</b> , Mr. Adams . . . . .	7862
<b>Highway construction</b> , Mr. Cousens . . . . .	7862

**Statements by the ministry**

<b>Skills training</b> , Hon. Mr. Curling . . . . .	7863
<b>Beef marketing</b> , Hon. Mr. Riddell . . . . .	7863

**Responses**

<b>Skills training</b> , Mr. R. F. Johnston . . . . .	7864
<b>Beef marketing</b> , Mr. Wildman, Mr. McCague . . . . .	7865
<b>Skills training</b> , Mr. Cousens, Mr. Jackson . . . . .	7865

**Oral questions**

<b>Rent regulation</b> , Mr. Breaugh, Hon. Ms. Hošek . . . . .	7866
<b>Cancer treatment</b> , Mr. D. S. Cooke, Hon. Mrs. Caplan . . . . .	7867
<b>Hospital services</b> , Mr. Brandt, Hon. Mrs. Caplan . . . . .	7868
<b>Metropolitan Toronto Housing Authority</b> , Mr. Harris, Hon. Ms. Hošek . . . . .	7869
<b>Tritium</b> , Mrs. Grier, Hon. Mr. Wong . . . . .	7870
<b>Air ambulance services</b> , Mr. Pope, Hon. Mrs. Caplan . . . . .	7871
<b>Metropolitan Toronto Housing Authority</b> , Mr. Cordiano, Hon. Ms. Hošek . . . . .	7871
<b>Vocational rehabilitation</b> , Mr. Wildman, Hon. Mr. Sweeney . . . . .	7872
<b>Mental competence</b> , Mr. Eves, Hon. Mrs. Caplan . . . . .	7873
<b>Automotive industry</b> , Mr. Tatham, Hon. Mr. Kwinter . . . . .	7873
<b>Social assistance</b> , Mr. Allen, Hon. Mr. Peterson . . . . .	7874
<b>Report, select committee on energy</b> , Mr. Cureatz, Hon. Mr. Wong . . . . .	7875
<b>Investment in Canadian films</b> , Mrs. Fawcett, Hon. Ms. Oddie Munro . . . . .	7875
<b>Retail store hours</b> , Mr. Farnan, Hon. Mrs. Smith . . . . .	7876
<b>Community safety</b> , Mr. Runciman, Hon. Mrs. Caplan . . . . .	7876
<b>Mining</b> , Mr. Campbell, Hon. Mr. Conway . . . . .	7877

**Petitions/Pétitions**

<b>Caisse de retraite des enseignants, M. Poirier, dépôt de la pétition . . . . .</b>	<b>7877</b>
<b>Teachers' superannuation, Mrs. Fawcett, tabled . . . . .</b>	<b>7877</b>

**First reading**

<b>Northern Frontier Developments Ltd. Act, Bill Pr43, Mr. Kozyra, agreed to . . . . .</b>	<b>7877</b>
--	-------------

**Committee of the whole House**

<b>Retail Business Holidays Amendment Act and Employment Standards Amendment Act, bills 113 and 114, Hon. Mrs. Smith, Hon. Mr. Sorbara, Mr. Philip, Mr. Hampton, Mr. Cureatz, Mr. Kanter, Mr. Sola, Mr. Harris, Mr. Pouliot, Mr. Farnan, Mr. J. M. Johnson, Mr. Dietsch, Mr. Ferraro, reported . . . . .</b>	<b>7877</b>
--	-------------

**Other business**

<b>Recess . . . . .</b>	<b>7860</b>
<b>Visitor, Mr. Speaker . . . . .</b>	<b>7869</b>
<b>Business of the House, Hon. Mr. Conway . . . . .</b>	<b>7904</b>
<b>Adjournment . . . . .</b>	<b>7904</b>
<b>Alphabetical list of members . . . . .</b>	<b>7905</b>











No. 141

# **Hansard**

# **Official Report of Debates**

## **Legislative Assembly of Ontario**

A red circular stamp is located to the right of the title. It contains the text "LEGISLATIVE ASSEMBLY OF ONTARIO" around the perimeter and "HANSARD" in the center.

**First Session, 34th Parliament**

Monday, February 6, 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

---

Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, February 6, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### LANDLORDS' RESTRICTIONS ON PETS

**Ms. Bryden:** I want to draw to the attention of the Attorney General (Mr. Scott) that last week it appears that the no-pets clause in an apartment lease was used to obtain an eviction notice against Marian and Richard Ryll. It appears that their only offence is that they own a cat, but did sign a no-pets clause because there was no other kind of lease offered to them.

I would like to suggest that the Attorney General must bring in an immediate amendment to the Landlord and Tenant Act to outlaw no-pets clauses, because they are being abused by many landlords to obtain vacant possession of buildings that they wish to raise the rents on or convert to condominiums, and they are discriminatory against all the people who are tenants. Forty per cent of the population of the province are tenants, 50 per cent in Metro Toronto. They do not have the right to have the pleasure of owning a pet.

It seems to me we must rectify this discrimination against them as soon as possible. I hope that the Attorney General will make a commitment to bring in a bill immediately, and certainly before this eviction takes place on April 1.

### LOUISE DE KIRILINE LAWRENCE

**Mr. Harris:** I rise today to pay tribute to internationally acclaimed author, naturalist and humanitarian Louise de Kiriline Lawrence of North Bay, on the occasion of her 95th birthday this past week. Few Canadian women have experienced life as richly as Louise de Kiriline Lawrence.

Born into an aristocratic family in Sweden, she served as a Red Cross nurse during the Russian Revolution, where she met and married Gleb de Kiriline, their incredible story being told in her book *Another Winter, Another Spring*.

Following the tragic events of her husband's capture and ultimate execution, she emigrated to Canada, settling in northern Ontario where Nurse de Kiriline and her sled dogs became a familiar and welcome sight. A call from Dr. Norman

Dafoe to become head nurse for the Dionne quintuplets began and ended a new chapter in her life, for she left nursing after that experience to find peace and tranquillity in the natural world.

A log cabin home in the pines of Pimisi Bay between North Bay and Mattawa became the ideal base from which to pursue a new vocation as a naturalist. Her observations, as recorded in *The Lovely and the Wild*, won her the coveted John Burroughs Medal and the Sir Charles G. D. Roberts Special Award from the Canadian Authors Association. Many of her articles have been published over the years in Audubon magazine.

I regret to inform the House that her husband, Len Lawrence, to whom her book *The Loghouse Nest* is dedicated, passed away last week. I join with all members in expressing sympathy for her loss and in paying tribute in celebration of the life of a truly remarkable Canadian, Louise de Kiriline Lawrence.

## LEGISLATIVE PAGE

**Mrs. Fawcett:** Mr. Speaker, perhaps you and the members of this House have noticed a new page in our midst. It is my pleasure to introduce to everyone Leila Kumpula from my riding of Northumberland.

Why is Leila just now joining us? Approximately four weeks ago, while en route to begin her duties at Queen's Park, Leila and her family stopped off to do some skiing at Kirby. As ill luck would have it, she suffered an accident, dislocated her kneecap and wound up in Scarborough Centennial Hospital where a complete leg cast was put on. Her doctor has now given her permission to put some weight on the leg and, after considerable pleading with the medical authorities and her family, Leila has joined her companion pages for the rest of the term of duty.

I noticed last week, though, that medical history may have been made in that it appears this affliction may be contagious. As I happened to look up to find Leila coming into the House followed by two pages, all three possessed the identical limp.

Seriously, though, I am sure that you, Mr. Speaker, and the members of this House will commend Leila for her commitment, determina-

tion and enthusiasm for her duties, a lesson we can all take to heart.

Please join me in welcoming Leila Kumpula from Northumberland to Queen's Park.

#### LANDLORDS' RESTRICTIONS ON PETS

**Mr. Philip:** Today, I am introducing a private member's bill amending the Landlord and Tenant Act to ban any provision in a lease prohibiting a tenant from keeping a pet. The ruling by Judge Gotlib on February 2 was that either the Rylls must move out of their apartment or get rid of their cat, Fluffy. The judge also told the court that it is up to the lawmakers of the province to pass a law specifically banning such contracts if they believe they are unfair.

On January 9, I pointed out to the Attorney General (Mr. Scott) that some 10,000 animals are being euthanized in Ontario each year as a result of no-pets clauses which force responsible pet owners, such as seniors, to dispose of their pets. The Attorney General's callous response was, "These people must decide sooner or later whether they wish to keep pets or not."

The Landlord and Tenant Act clearly provides for the removal of a pet where that pet is destroying property or bothering other tenants. No-pets clauses punish the innocent, responsible pet owner instead of focusing on those few who are irresponsible.

According to the court decision, Fluffy, a 16-year-old, spayed, declawed, partly blind cat, and her family will no longer be able to reside in their apartment. My bill, if passed, will save the lives of an estimated 10,000 Fluffys each year in Ontario. It will also save the heartache of 10,000 families or individuals faced with the problem of having to choose between their pets or a roof over their heads.

I urge the government to introduce similar legislation. I urge the Attorney General to show a little more empathy.

#### YOUNG OFFENDERS

**Mr. Jackson:** I rise to draw attention to the Young Offenders Act and the manner of its implementation in this province. In my own community of Burlington, an 18-year-old triple murderer was recently released. Halton Regional Police know who he is but not where he lives, and this information was only provided after I raised the matter in the Legislature.

Hamilton-Wentworth Regional Police, whose duty is to protect the municipality's over 400,000 residents, have not been so notified, this despite the fact that the young offender spends every

working day at his place of employment in Hamilton.

In my own community posters have appeared warning, a triple murderer is "coming soon to a community near you." While I do not support the tactics or the method employed to convey them, the fears of my constituents are very real and very understandable.

The government can, by order in council, decide to notify a school principal, the local police or others who are directly affected of the killer's record and identity. It could and should take this step. The government could have told the Midland police chief of the existence of a young offenders group home in his community.

The Liberals could have released to Metropolitan Toronto Police the names and identities of young offenders at the York Detention Centre. This might have allowed police, working with one offender's mother, to meet the escapees at a Highway 401 gas station instead of having to cope with the carnage of a high-speed auto accident.

The federal government must act to correct the Young Offenders Act—

**Mr. Speaker:** The member's time has now expired.

**Mr. Jackson:** —the brainchild of Liberal Prime Minister Pierre Trudeau.

**Mr. Speaker:** Order.

1340

#### SOCIAL ASSISTANCE

**Ms. Poole:** In September 1988, the report of the Social Assistance Review Committee, entitled *Transitions*, was released. This committee was appointed in 1986 by the Minister of Community and Social Services (Mr. Sweeney) and has recommended a major restructuring of Ontario's social assistance system. The report debunked the myth of the so-called welfare bum and revealed that over 70 per cent of those on benefits are children, sole-support parents and the disabled.

The government is currently examining the report in its entirety, not only to cost the 274 recommendations but also to determine how reforms can best be implemented within our budgetary responsibilities. We already know the cost of reform will be high. Initial calculations indicate that the cost of the first stage alone will be approximately \$600 million.

It is obvious this government is committed to reform. While awaiting the SARC report, the government spent \$337 million in improvements



to social assistance. I believe the real challenge now, the challenge for each and every member of this House, is to find a way to finance the SARC reforms so that we may translate this commitment into action.

### CONVERSION OF RENTAL ACCOMMODATION

**Mr. Philip:** Once again, we see that the Liberal government of David Peterson cannot be trusted to keep its promises. More than a year ago, on January 7, 1988, I pointed out to the Minister of Housing (Ms. Hošek) that a majority of rental buildings constructed since 1975 are registered as condominiums. At any time, the tenants can be evicted as the units are sold. The minister's response was that she was talking to all people who were concerned about this and would try hard to protect the tenants.

On April 27, the minister promised to respond to my question in the House and stated that she would consider the whole issue when looking at the Rental Housing Protection Act. The Rental Housing Protection Act has now been introduced by the Minister of Housing; however, it contains no protection for the people who have lived for years in a building they consider to be a rental building and who are being evicted as these units are being sold off as condominium units.

It has been estimated that 80 per cent of the more than 100,000 private sector apartment units built since 1975 are technically registered as condominiums, even though they have always been rented out strictly as rental apartment units. At any time, the owner of the building can announce that he is deciding to sell each unit. This means that in Ontario we have a potential of 80,000 families being evicted.

**Mr. Speaker:** The member's time has expired.

**Mr. Philip:** The minister has broken her promise to 80,000 families.

**Mr. Speaker:** Thank you. That completes the allotted time for members' statements. Statements by the ministry. None? No statements?

**Hon. Mr. Conway:** I believe the Minister of Community and Social Services (Mr. Sweeney) was to make a statement. He is tied up in traffic. If you wish unanimous consent, I am quite happy to—I do not want to hold up the House. He will make a statement upon his arrival. He is due.

**Mr. D. S. Cooke:** I do not think it would be appropriate to proceed. There are 12 cabinet ministers listed as being away. The minister who is supposed to make a statement on a very

important issue is not here. I think we should recess until there are some cabinet ministers here.

**Mr. Harris:** I would concur with the suggestion that is being put forward by the House leader for the New Democratic Party. I would further suggest that, due to the efforts of both the NDP House leader and myself, we are probably able to proceed right now, because I see the minister finding his place.

**Mr. Speaker:** This might be the appropriate time to call for ministerial statements once again.

**Hon. Mr. Sweeney:** I apologize to the House for being late.

### STATEMENT BY THE MINISTRY

#### YOUNG OFFENDERS

**Hon. Mr. Sweeney:** I would like to report to the Legislature today on two tragic incidents over the past few days involving young offenders. As members will no doubt be aware, early on Friday morning Krista Sepp, an employee of Kinark Child and Family Services in Midland, was brutally murdered. Two people, including one young offender, have been charged in her death.

Also on the weekend, seven youths who were awaiting trial escaped from custody at my ministry's York Detention Centre; five of those youngsters were later killed in an automobile accident on Highway 401 near Napanee.

On behalf of the government, I want to extend my condolences to the families of all six individuals who died over the weekend. I am sure all members will join me in sharing the sense of grief those families must now be feeling.

The police have investigated and are continuing to look into both of these incidents. As well, the coroner is investigating the murder of Krista Sepp and the events leading up to her death.

While the Young Offenders Act and the police and coroner's investigations place some restrictions on my ministry's ability to investigate, my staff have been investigating both of these incidents, and I would like to report to the House on the information I have available to me at this time.

Kinark Child and Family Services operates a group home in Midland for emotionally disturbed youngsters. The facility is funded by my ministry and has a capacity of four. At the time of the incident, there were two young offenders housed in the group home. Staff of my ministry in conjunction with Kinark have been reviewing the procedures that were followed in the case. At this time, however, the police and the coroner are

still investigating this tragedy. As a result, I am not at liberty to discuss any of the details leading to the death of Krista Sepp.

My staff and staff of Kinark Child and Family Services are working with police and the coroner to provide any information they may require in their investigations. As well, my ministry will be continuing to review all of the events leading to this incident. As I will discuss later and in more detail, the government is going to examine all of the broad questions raised by this tragedy.

With regard to the escape of seven youths from my ministry's York Detention Centre, I would like to provide the following details. On Friday evening, the York Detention Centre was operating with a staff of 13 and 40 residents. The escape occurred from a part of the detention centre that is called the boys' unit.

There were nine youths in the unit with a normal staff complement of two workers. One of the workers took a resident to see the staff doctor and had another resident accompany him. Shortly after that worker left, seven of the remaining youths surrounded the other worker, took her keys and locked her in a room. As a safety precaution, workers are required to carry keys to the fire escape at all times. The youths used that key to open the fire escape door and left the building.

The events following their escape are currently under investigation by the police. However, all members know that five of the escaped youths were killed in a terrible accident on Highway 401 near Napanee.

There are many more questions to be answered about both incidents, but one horrible fact remains clear: Six people are dead. However, we must deal with the serious issues raised by the events of the last few days. This morning, the Ontario Attorney General (Mr. Scott) wrote the Honourable Doug Lewis, Minister of Justice, requesting immediate attention be given to the pressing need to amend the Young Offenders Act. This is a follow-up to his unanswered letter of November 17 to Mr. Lewis's predecessor.

Today, I am calling on the Minister of Justice to immediately convene a meeting of all attorneys general from across Canada to review and examine the act and our experience to date. I am also announcing today two reviews, which will begin immediately.

First, my ministry will review security measures in place at all secure detention, secure custody and observation and detention homes directly operated by my ministry. The review will be carried out by my ministry staff in

co-operation with staff of the Ministry of Correctional Services and the Ontario Provincial Police.

Second, we will begin an immediate review of the staffing guidelines in facilities housing young offenders. This review will look at staffing in those facilities directly operated by the government, as well as those transfer payment agencies which admit young offenders to their programs on behalf of the ministry.

We are particularly concerned about providing guidance as to when more than one staff person should be on duty. I repeat, the reviews will begin immediately and I expect to receive the reports within 90 days.

The events of the last few days have been tragic, but we in government and the members of this Legislature have to be concerned about a side-effect of these events. Many Ontario citizens are questioning the safety of any group home, no matter which group it serves. Many people may have lost confidence in the service sector's ability to deliver effective community-based programs while at the same time protecting the security of those communities.

That confidence must be restored. This government is committed to restoring that confidence. It is committed to delivering services to people in their communities. The reviews I have announced today will now become an essential element in that direction, and I call on all members of this Legislature to work with us.

1350

## RESPONSES

### YOUNG OFFENDERS

#### JEUNES CONTREVENANTS

**Mr. B. Rae:** This is indeed a very sad day for all of us in the Legislature. It has been a weekend in which we have heard news that has shaken all of us. It has shaken the family and the community in Sault Ste. Marie and the family of Krista Sepp. Krista had been working for a short two weeks after her graduation from a community college program and was killed while working in a group home on Saturday night in Midland. All of our thoughts and our hearts go out to the Sepp family on this occasion, as they do to the families of the young men who were killed in the car accident near Napanee after escaping from a detention centre.

We have many questions about what has taken place. We have many questions about why a young woman was working alone on a Saturday night in a group home. We have many questions



about how it is that this could have happened. We want to know how many other people are working in equally difficult circumstances.

I hear what the minister says when he says there has been a loss of confidence, and all of us have to respond to that. I want to say to the minister that there has indeed been a loss of confidence; there has been a loss of confidence in the public and among the workers in group home centres, and indeed by the young people themselves who are in these detention centres, because I do not think the government has done what needs to be done in terms of coming to grips with young offenders, with kids who are in trouble and troubled, with their needs as well as with the needs of the community.

We will have an opportunity, I hope, later on this afternoon to debate at some length the history of this very difficult but vital subject. It is one that has troubled us in our party for a very long time, as the minister will know. I will have some questions for the minister later on in question period about what has happened and what the minister knows.

The laws are supposed to be there to do three things: (1) to protect the public, (2) to protect the workers who are acting on behalf of the public and (3) to do what we can to ensure that kids in need get the kind of care, the kind of attention and the kind of help and assistance that they need.

Those three objectives should not be impossible to arrive at, but I think we have all been reminded how difficult it has proven to meet those three objectives: (1) protecting the public, making sure that the public is secure in the knowledge that the best efforts of government and professionals alike are being directed to their protection, a perfectly legitimate and fundamental basis of a democratic society; (2) that the professionals and other people working be protected themselves and have the protection and support of their government and of their taxpayers as they carry out a very difficult job, and (3) that the kids themselves, many of whom are troubled, who are crying out for help, get the kind of help and attention that they need.

C'est une journée très triste à nos débats. Nous venons de vivre une tragédie, où six enfants si jeunes sont morts: où une jeune femme, qui venait de compléter ses études et de commencer son travail dans un centre pour jeunes, est morte; où cinq autres sont morts après avoir quitté l'endroit où ils étaient détenus — si vous voulez — par l'état.

C'est une tragédie. Nous avons le droit de poser des questions profondes au gouvernement, pour savoir comment cela a pu se passer dans notre province.

**Mr. Brandt:** I first of all want to join the minister in extending my condolences and sympathies to the families that are so deeply hurt by the loss of six lives that occurred over this past weekend. It is a terrible, terrible sequence of events that led to the loss of these six lives, and I know that it has very deeply and in a very real sense impacted on every member of this Legislative Assembly.

In connection with the statement of the minister, I do want to say that there are a number of questions that my party will have shortly in connection with what occurred. There is very little new information in what the minister has released to us today, and he has indicated that much of the information will in fact develop after a fuller investigation has occurred by his ministry and by the Ontario Provincial Police.

Some of the questions that we have of course surround the situation that occurred in Midland at the group home with Krista Sepp and the very unusual circumstances that would find a young lady, a recent graduate of a community college program, having spent less than two weeks on the job, being found alone in circumstances that I think all of us would agree are at least reasonably dangerous under the best of circumstances.

To have one staff person there, I would suggest to the minister—and I know that one of the things the minister is going to be looking into is the appropriate levels of staff and the situation that developed resulting in only one staff member being in attendance—really raises some concerns and questions on our part. We agree with him that has to be looked at very carefully.

I want to say as well that in our party we are prepared to join the government and the minister in pursuit of appropriate changes to the Young Offenders Act, which we believe is in need of changes after some eight years that the act has been in existence. We have been calling for changes which specifically will address questions like sentencing and also questions like the appropriate level of communications with local authorities, such as the police representatives in those areas, in order to make sure that there is in fact a balance between the need we all see to attempt to rehabilitate these young people who have gotten themselves into very difficult circumstances and, on the other hand, the very real need to protect the important interests of the community at large.

There are some of us who believe very strongly that particular balance is not in order at the moment and that revisions and changes as a result of now having some experience with the act are very much in order. As an indication of the direction that our party would like to go, I have today written to the Minister of Justice indicating some specific changes we would like to see occur. I would be more than happy to share those with the minister as well, and hopefully we can find some common ground to move together in an attempt to rectify the kinds of problems that occurred over this past weekend.

Again, I feel badly, as I know the minister does, as to what actually occurred and the circumstances that surrounded that. I just hope that we can work in as nonpartisan a way as possible and in a nonparochial way to try to find some solutions to what are devastating problems, very serious incidents that have to be dealt with in a responsible way and that, hopefully, can be corrected by the collective efforts of the members of this assembly.

1400

## ORAL QUESTIONS

### YOUNG OFFENDERS

**Mr. B. Rae:** I have some questions for the Minister of Community and Social Services arising out of the tragic events this last weekend.

The minister in his statement today says, "...we will begin an immediate review of staffing guidelines in facilities housing young offenders." Can the minister tell us what regulations are now in place under his jurisdiction, under his responsibility, on staffing guidelines? Following that question, I wonder if the minister can explain how it was possible that a young woman, who was so new to the job and so inexperienced, was left alone on a Saturday night, responsible for those under her care in the group home in Midland on Saturday.

**Hon. Mr. Sweeney:** There are two regulations which speak to staffing guidelines. Generally they say that one staff person per eight is the minimum and that one staff person at night, when the others are asleep, is the minimum. In terms of our actual contractual arrangements with community agencies, that is changed if the nature of the residents is other than what would be the norm for the service of that agency.

In this particular situation, the house would normally have four people and two staff. It was down to two residents and one staff. There was some concern a couple of weeks ago in this house, and an extra staff person was put on for a

week. When those concerns did not appear to materialize, the staffing ratio was returned to what it was before.

The decision to have this particular young lady on at that time, with her lack of experience, is one we are still questioning ourselves. But in terms of the numbers, the agency was living up to the guidelines which are currently in effect. Because of that experience, I have indicated that obviously those guidelines, those regulations, must be reviewed, because there will be situations where they are not appropriate. Obviously, this is one of them.

**Mr. B. Rae:** It is my understanding that as a result of internal ministry studies with respect to staffing, with respect to the pay of staff and with respect to the risks in the system because of staffing problems, the Ministry of Community and Social Services in fact applied to the Management Board of Cabinet for an additional \$6.8 million as of August 1988, and that request is simply on hold.

I wonder if the minister can tell us, were there any internal studies within his ministry dealing with questions of staffing and staffing guidelines and the pay of staff in group homes under his jurisdiction; is there in fact a request before Management Board for additional funds and what has happened to that request?

**Hon. Mr. Sweeney:** There was not an internal review in terms of staff numbers, other than, as I say, that it is a question we deal with on an individual basis with agencies, depending upon the particular group of young people they are serving.

There has been a review, and I believe I have responded to that in this House before, with respect to the salary and wages of a number of community groups. Young offenders was one of them. Those dealing with the developmentally handicapped was another. Homemakers was another. Foster parents was another.

We as a ministry, as all ministries are expected to, have shared that information and our recommendations with Management Board. They are under review at present. No final decision has yet been made.

**Mr. B. Rae:** By way of final supplementary on this round, the minister will no doubt be aware of the coroner's report signed by Dr. Ross Bennett, who is the chief coroner of Ontario, when Celia Ruygrok died on July 6, 1985. I wonder if the minister can tell us what action was taken by his ministry in response to this particular recommendation from the coroner's inquest.



Admittedly, the recommendation dealt with a federal institution dealing with parolees from federal penitentiary, but I would like to ask the minister, was this coroner's jury recommendation considered by the ministry and what was the response?

The recommendation is that "Facility security guidelines be included in the Standards and Guidelines for Community Residential Facilities to address such issues as alarm systems, personal security, staffing and general building security."

**Hon. Mr. Sweeney:** When those were drawn to our attention, we understood that they were at the time more concerned about adult offender halfway houses. We had indicated that it would be more appropriate for consideration and review of those particular recommendations within the Ministry of Correctional Services, and the Minister of Correctional Services (Mr. Ramsay) has in fact responded to those.

Within our own ministry, since we do not operate what could be called halfway houses—we have open-custody facilities and we have secure-custody facilities—we have very firm term dispositions from the courts that we are bound to live up to, other than going back to the court and asking it to review that decision.

As I indicated earlier we do, however, have staffing guidelines. We do have call arrangements within the various facilities so that if there is a need for more staff to be brought on, there is in fact a communications arrangement to do that. We do that directly through our transfer payment agencies. We do it through our children's aid societies, which in fact relate to the transfer payment agencies.

That is as far as we have gone at this present time, other than the review which I have already announced.

**Mr. Speaker:** New question; the Leader of the Opposition.

**Mr. B. Rae:** I was going to address this question to the Minister of Labour (Mr. Sorbara), but he is not here, so I want to address it to the Minister of Community and Social Services.

The minister may not be as familiar with the Occupational Health and Safety Act as his colleague the Minister of Labour, but the minister will no doubt perhaps be aware that under the Occupational Health and Safety Act a number of things are supposed to happen.

When a death occurs in a workplace—and the Midland group home is a workplace—the director in the Ministry of Labour is supposed to be informed within 48 hours and an immediate inspection is supposed to take place to find out

whether there has been a contravention, a breach, a breaking of the act in any way.

Section 14 of the act says it is the obligation of every employer to "take every precaution reasonable in the circumstances for the protection of a worker." I wonder if the minister can tell us, does he feel confident—and I will repeat the act's wording, "every precaution reasonable in the circumstances for the protection of a worker"—that every precaution reasonable in the circumstances for the protection of Krista Sepp had in fact been taken by the employer in this case?

**Hon. Mr. Sweeney:** It is much easier to make those decisions in hindsight than it is to make them before. However, let me share with my honourable colleagues what in fact we knew before.

There were two residents in this facility. Each of them had a very disturbed history, but during the period of time that they were actually in the residence, all of the professional attention that they were given indicated that they were not a serious threat. The young girl, for example, who had previously been at Cecil Facer Youth Centre and was moved to this residence, had been there for over four months and had not indicated during those four months that she was going to act in any violent or aggressive way.

What I am trying to say is that, based upon the information that was available prior to this incident, there was no reason to believe that there was a serious threat to the young counsellor.

I would also point out that a few weeks ago when there was an apparent threat, Kinark Child and Family Services did double the staffing for a period of approximately a week to respond to that apparent threat. When nothing resulted, the extra staff person was taken off.

In response to the question, I guess all I can say is that given what we knew at the time, the answer would be no; given what we know now, the answer obviously would be very different.

1410

**Mr. B. Rae:** The minister is being very cryptic, if I may say so, in terms of his answers. I know he is in some sense bound by the law, as are we all, in terms of charges being laid and so on, and we are not able to comment on information. The hard fact remains that a young woman is dead and that she was placed in charge of a group home where there had apparently been some signs of a problem a couple of weeks before, according to what the minister has just told us. That led to an additional staff person being there for a week and then the additional staff person being taken off. Why? Because they did not have

enough money? Because they decided they would rather not spend the money on that? For what reason, the minister has not told us.

The Sepp family and everybody are entitled to more answers than the ones we are getting from the minister. I have asked the minister very specifically, does he feel every precaution was taken that would protect a worker? She was working on this job. This is her job. She cannot refuse to do this job—

**Mr. Speaker:** Question?

**Mr. B. Rae:** —because of the Occupational Health and Safety Act. She is not covered by it. She has no choice. The only protection she has is the sense that the government and her employer are there behind her.

I am asking the minister, is he satisfied that there are no Krista Sepps out there tonight who are going to be working alone in some conditions of risk and danger simply because either the money is not there, or the guidelines are not there or the simple political will is not there to see we do this job properly?

**Hon. Mr. Sweeney:** The honourable member very correctly observed that I am somewhat restricted by the fact there is an investigation and a charge has been laid against two people. I cannot speak in any way whatsoever that would direct attention either towards or away from the investigation that follows that charge. Quite frankly, there are many things about the incident itself that I honestly do not know. That has not been shared with us.

As I am sure the honourable member will be aware, the police contacted both Kinark and ourselves and said in effect that they were responsible for the investigation and we had to be very careful how we participated in it. The best information we have is that there was no apparent danger from the two residents within the house. The caution was with someone else outside of the house—I do not know all the details yet, other than what has been reported in the press—and it was for that reason the extra staff person was put on, not because of the potential danger from within the house but rather from without.

**Mr. B. Rae:** This question of morale and the question of access to homes and so on has been raised many times in this House. It was raised most recently on February 1 by my colleague the member for Cambridge (Mr. Farnan).

In light of what the minister has told us and in light of the fact it may well be that one of the problems is the ministry's own lack of political leadership on this issue, the government's own failure to deal with the question of proper funding

and to develop staff guidelines when asked to do so by many others in the field, would the minister not agree that rather than having an internal review conducted by many of the same officials who have been supervising this field and who have been advising the minister for so many years, we would all be better off to have a full, open, public inquiry that would deal directly not only with what has taken place, but frankly with the responsibility of government and governments for the problem that is out there and that has so obviously contributed to the problems we are experiencing now?

**Hon. Mr. Sweeney:** As the honourable member knows, there is a police investigation going on right at this time. I indicated to him that from an internal point of view, there are three different sources. It is not just our ministry: Our ministry is included, the Ministry of Correctional Services is included and the Ontario Provincial Police is included. All those have knowledge and experience in this field, which I believe we have a responsibility to tap into to try to get the answers we want.

I point out to the honourable member with respect to the government's financial contributions that the budget for Kinark Child and Family Services was substantially increased over the past two years by approximately \$2 million, including \$500,000 with respect to program changes.

The second point I draw to his attention is that the staff salary ranges at Kinark are twofold. The first range is from \$19,900 to \$26,000. The second range is from \$26,000 to \$32,000. We can all question whether that is enough, but it certainly does indicate the range in which salaries are being paid to those employees for providing that service.

**Mr. Brandt:** My question is to the same minister. During the estimates of July 1986, the minister indicated it was his ministry that convinced judges to send young offenders to community-based programs in open, as opposed to secure, settings. I believe at that time it was reasonably well known this was something judges were reluctant to do. In those particular estimates the minister stated, "The judges were very concerned about the capability of the ministry to deliver."

During the same estimates period in July 1986, one of his officials stated that he would have guidelines in place for programs dealing with young offenders and their placement in the community. My question to the minister is, when were those guidelines established, how widely



were they circulated, and how often would the ministry review privately run homes to ensure that those guidelines were being followed?

**Hon. Mr. Sweeney:** My recollection of the 1986 estimates the honourable member refers to was in response, I believe—the member can correct me if I am wrong—to a question being raised as to why so many more young offenders were now being placed in open custody, rather than secure custody as they had been earlier.

My response was that under the Juvenile Delinquents Act, the courts and the judges simply did not have the authority to place them directly in open custody. What they did under that act was to sentence a young person to a training school for an unlimited period of time, and it was then at the discretion and the judgement of my ministry officials to keep him in that training school for however long, and then transfer him to a community setting for the balance of the time.

Under the Young Offenders Act, there is a significant change, and that is that the judges now make a specific disposition, either to secure custody or to open custody, and they make it for a specific period of time. I was saying that because of that change in the authority given to the judges, many more of them were placing young people in open custody, simply because they felt that was the most appropriate place for them to put them.

I then went on to say that this imposed upon us as a ministry the responsibility to have available all of the necessary open custody spaces to which judges would send young people. We had no discretion there. We simply had to provide it.

**Mr. Brandt:** There is at least one point of agreement generally throughout this House, and that is that after eight or nine years the Young Offenders Act must be updated to reflect the realities of today as well as the experience we have gained over that period of time.

In light of the fact there are some disagreements, to put it mildly, between the federal and the provincial government in connection with funding and certain specific areas in connection with the Young Offenders Act, is the minister prepared to take a look at the complete total act as it impacts on Ontario by way of a public inquiry? Under those circumstances, this inquiry will not, as the Leader of the Opposition (Mr. B. Rae) has already stated, involve those people who are necessarily closest to the situation itself, but will open the whole matter up for the public to take a look at this particular act and the way in which it

might be modified or changed, or at the problems that are inherent in the act as it stands now.

What I am asking is, will his ministry agree to a public inquiry?

**1420**

**Hon. Mr. Sweeney:** The honourable member is perhaps well aware of the fact that the act was passed in the federal House in 1982, I believe. It was not implemented in Ontario until 1984. One of the reasons was the one the member raised, and that is some dispute between the federal and the provincial government as to who was going to pay for the added expenses that would naturally flow from the expanded service. In 1984, I presume that was resolved to the best will of the two levels of government and we now have essentially that in place.

The honourable member will perhaps also be aware of the fact that both the Attorney General (Mr. Scott) and myself had indicated to the federal Minister of Justice from 1985 on that there needed to be some changes made. In 1986, in fact, some changes were made. One the member will perhaps recall was the ability of the police to release the name of a young offender under certain circumstances; there were other changes but that was one of them.

During that time and since, the Attorney General has on a number of occasions advocated further changes, and I believe he is not the only Attorney General in Canada to do so. I indicated in my statement today that as of today a letter has gone to the Honourable Doug Lewis, once again from our Attorney General and I support this letter, requesting that all of the attorneys general, federal and provincial, sit down together and make the kind of review the member has indicated himself.

We believe it is important for our Ministry of Correctional Services and for our police forces—

**Mr. Speaker:** Thank you.

**Mr. Brandt:** The minister is quite correct in that the act was proclaimed in Ontario in 1984. Since that time, there have been various requests from judges, from those in law enforcement and from elected officials, asking for some changes to the act in order to reflect some of the problems that have been identified.

In November 1988, the Attorney General wrote to the then Minister of Justice requesting some changes to the Young Offenders Act, as I believe was the case and I think the minister indicated this in his statement today. The minister has again written to the newly appointed Minister of Justice pointing out some of the provincial difficulties and problems. I would

presume, and asking for a complete review on a Canada-wide basis involving all the ministries of justice in all provinces and the federal government.

Since the minister is not prepared to commit to a full and total inquiry as to what is going on with respect to the actual administration of the act, is the minister prepared to indicate the position of his government with respect to the changes he wants to see occur and which he is in the process of negotiating with the federal government, starting with his letter of November 1988 and coming up to date with the letter he has just sent as a result of the tragic weekend we have experienced in Ontario?

**Hon. Mr. Sweeney:** There are a number of areas, but there are three we have drawn to the attention of this Legislature on a number of occasions.

The first one deals with the whole question of communication, in which I indicated there has been a partial change: But to whom may we communicate information and under what circumstances? We feel at the present time that even though there is a section within the act that gives us some discretion, it is fairly tightly constrained and we need a clearer understanding, and I would suggest it has to be similar across the country.

The second one was with respect to a number of challenges judges have indicated in terms of who goes where. I think the honourable member is well aware of the fact there were two or three provincial court judges who clearly said they disagreed with the kinds of dispositions they were allowed to make and who in fact were withholding making any decisions at all until they had been reserved by a higher court. We want that checked.

The third one, and the one to which the Attorney General has spoken on a number of occasions, is the three-year limitation on serious offences. Flowing from that would be a review of how, when and under what circumstances a young offender would be transferred to an adult court as opposed to staying in a juvenile court.

#### CHILD CARE

**Mrs. Cunningham:** My question is also for the Minister of Community and Social Services. As the minister is aware, we have program advisers who license and also review licences of our child care centres. The fact is that the resources are simply not available to follow through with a great many of the recommendations of his limited staff who are even able to carry out the licensing reviews.

The minister has known of the weaknesses in the investigation practices. In fact, for the last two years there has been an ongoing review of the program advisers' role, workload and function. We know the inspection and enforcement practices in centres throughout the province are inconsistent and often ineffective. Many centres do not and cannot comply with current legislation.

**Mr. Speaker:** Question.

**Mrs. Cunningham:** Would the minister advise the House that he will move to address these problems as quickly as possible?

**Hon. Mr. Sweeney:** The honourable member will recall that I brought into the House, I believe it was about two weeks ago, the parent poster that is going to be put into all our 2,500 day care centres. The six-month pilot program associated with that had brought to our attention a number of inspection-monitoring procedures that we were not totally pleased with.

In addition to putting the poster up, we were also immediately launching a complete review of our inspection and monitoring procedures. I can add today that two full-time people have been seconded from the ministry to specifically do that job. When we have that information, I think I can reasonably assure the honourable member that changes will be made.

**Mrs. Cunningham:** The Ontario Coalition for Better Child Care held a press conference today outlining a number of recommendations for immediately improving quality inspection in our day care centres. Their first recommendation, with regard to the minister's recently announced review of inspection which he just talked about, is that the minister table in the Legislature within 90 days an interim report outlining the progress of the review and issue a fully revised inspection and enforcement procedure within six months.

Any new procedures must address the workload, role and function of the program advisers. Will the minister state in the House today that he will keep this Legislature informed of the progress of the review by tabling within 90 days a report that will include specific recommendations for improvements to the inspection and enforcement procedures within six months?

**Hon. Mr. Sweeney:** I am quite prepared to share with my honourable colleagues, and I think I have demonstrated that in the past, any information I have. I am not certain whether I can make the 90-day commitment; I will certainly attempt to do so. I am as interested in getting the



information as soon as the honourable member is, and when I have it will share it with her.

However, I would point out to her, as I shared with her in the estimates debate just this past week, that one of the difficulties we are facing is that the 52 inspectors or program consultants we have across the province also have other tasks. She is well aware that the pressure in communities to provide more subsidies and licensed spaces, to allocate the direct grants and to work with workplace day care opportunities, takes a certain amount of their time as well.

The decision I am being asked to make now, and that is my decision and I accept responsibility for it, is to balance the amount of time those program consultants, who are certainly working long, full days, should be spending on the inspection side as opposed to the amount of time they should be spending on the program implementation side.

The obvious solution would simply be to have more people; however, the honourable member is well aware of the kinds of pressure and criticism I am under when I want to put more people in the field to do these kinds of things.

**Mr. Speaker:** Thank you.

**Hon. Mr. Sweeney:** In response, we will give the member the information as soon as we have it.

**Mrs. Cunningham:** I am happy to hear the minister will at least try to meet that 90-day commitment, because I think it is a reasonable request.

One of the great concerns we have in Ontario right now is that this government has studied the system to death. The professionals in the field are very much aware of what should happen. We all know part of the problem is how people spend their time. We know that when the minister is doing his work, he will find there is a way of spending one's time more efficiently. However, we are looking at a time frame for the province right now. We do not want the parents of the children to have to wait much longer for the kinds of recommendations and serious changes to legislation than they already have.

1430

If the minister could come up with an interim report in 90 days, we are looking very clearly at a time frame of not more than six months before we have some very specific recommendations on legislation to do with the inspections. My next question would be: Can the minister meet the time frame of no longer than six months for specific guidelines?

**Hon. Mr. Sweeney:** I would accept the premise that the six-month period, let's say roughly the end of June or July, seems appropriate at this time. I must say that as we are still determining with the two full-time people we have seconded to do this job what the nature of their task is and how much they are going to be able to rely upon others—I think it is a reasonable request and I will genuinely try to meet it.

**Mr. B. Rae:** I want to continue this line of questioning to the minister with respect to child care centres. In April 1987, the minister is quoted in an interview with the *Globe and Mail*. At that time the select committee on health, when it was studying child care had access to information on the inadequacy of inspections and on problems of care, particularly in commercial centres.

The minister was quoted in the *Globe and Mail* at that time as saying: "Sometimes we have to pull back our spurs a little bit so that we won't be closing places down." He was referring to the inspection process and how it was not working. Can the minister tell us if that is still the position of the ministry with respect to inspections?

**Hon. Mr. Sweeney:** With respect to any day care centre where there is an obvious danger to the health of children and the safety of children, we certainly would not hesitate to close it down as quickly as we possibly could. As a matter of fact, in the past year approximately 12 centres have closed down, most of them of their own decision because we had indicated to them, "Either you do it or we'll do it." Nevertheless, there were approximately 12.

However, if I can go back to the particular comment the member referred to, I said at that time and I would have to repeat that the job of our inspectors is not to find places they want to close down but rather to find places where the act is not being enforced the way it ought to be and to assist the operator and the staff of those centres to change their procedures so they can come into compliance, and we are prepared to work with them as much as we possibly can to get them into compliance.

I do not need to tell the honourable member that the desperate need for more spaces in the province leads us to try to retain the places we have, provided we are assured that the safety and health of children is not seriously at risk. That is still the direction of my ministry, but we have not hesitated to close down a centre or to compel it to close down on its own where there are genuine health and safety risks.

**Mr. B. Rae:** The minister's own inspectors have found that about one in seven of the homes

they inspected are unclean or potentially unsafe and that over one in five fail to keep basic records. This is a ramshackle system where commercial operators, by and large, are operating in far greater violation of the regulations than nonprofit operations. The minister has known that ever since he became the Minister of Community and Social Services.

Can the minister tell us why he has failed up until now to provide a system which does not put inspectors in this impossible situation of saying, "If I enforce the law I'm in fact going to be depriving dozens of kids and their families of appropriate and necessary child care, child care they need"? Does he not see the need for a comprehensive system which will stop putting inspectors into this impossible situation?

**Hon. Mr. Sweeney:** In response to the honourable member, we can clearly say that that is what we have been doing for the last, roughly three and a half years. We recognize that the only way we are going to keep our inspectors out of that dilemma, as he puts it and accurately puts it, is to have as many more spaces as possible available to families and available to parents. By doubling our subsidized spaces, by adding 25,000 licensed spaces, by including the direct grants for roughly \$60 million in 1988 alone, by pretty close to quadrupling the total budget for it, we are moving in that direction.

It is only at a point in time where we have enough alternative choices for parents in place that we can be stricter than we are at the present time. I am not suggesting that we would not close down a place where there is a serious safety or health violation. We will and we have and we do; but we will try to keep as many spaces available for parents as long as we can, and at the very same time put more and more spaces in place. The honourable member knows, with reference to nonprofit and commercial, that all of the new spaces I have been talking about—

**Mr. Speaker:** Thank you. New question, the member for Parry Sound.

#### OUTBREAK OF MENINGITIS

**Mr. Eves:** In the absence of the Minister of Health (Mrs. Caplan), her parliamentary assistant, the member for Kingston and The Islands (Mr. Keyes), the Premier (Mr. Peterson), the Deputy Premier (Mr. R. F. Nixon) and just about anybody else in cabinet who would know anything about health care over there, I will ask a question of the government House leader. I am sure that if he is not up to date on this important issue, he will refer it to the cabinet minister who

is running the health care system in Ontario today.

Could the minister give us an explanation of how it was that a 10-year-old student at Grandview Public School in the Peterborough area died of meningitis several days after four of her classmates had contracted the disease and how it was that it took about a week for the district health unit to recognize this serious problem?

**Hon. Mr. Conway:** I thank the honourable member for his question. It is my understanding that both the Ministry of Health and the relevant health authorities in the Peterborough-Lindsay area did act both prudently and correctly. This particular meningitis is one that requires an antidote that has to be administered under very particular circumstances. It is my understanding, on the basis of the information that I have, that that antidote was administered quite properly.

It is, of course, very tragic that the young person died; but again, it is my information that the relevant health authorities acted prudently and took the necessary action by administering the antidote as it is medically required to be so administered.

**Mr. Eves:** I am sure that the Kaufholds would beg to disagree with the government House leader that appropriate action was taken and that it was taken quickly and properly. Perhaps the minister could give an explanation to the House as to why it took a week for the district health unit to respond to this situation.

There were seven cases reported within a week from one Friday, January 27, I believe, until the following Friday. It was only on the second Friday that Dr. Mikel acknowledged that he had an outbreak of meningitis. In the meantime, there were some seven cases reported. What steps is this government taking to ensure that this does not happen again, and will the minister give us an explanation in the House as to how this was allowed to occur?

**Hon. Mr. Conway:** Let me say to my honourable friend, let me repeat that I share the concern that he has. I would say to the family that the tragedy is indeed that: it is a tragedy. But it is my information that the meningitis in question is treated with an antidote, but it must be established that there is an interrelationship between the various individuals. When that is done, the antidote is administered.

I repeat that it is my information that the medical authorities did act appropriately in this circumstance. I repeat that it is none the less tragic that an individual died, but I understand



that for the meningitis involved, the proper antidote was administered in a prudent way.

1440

### CROP INSURANCE

**Mr. Owen:** I have a question for the Minister of Agriculture and Food. In my riding, there are a number of farmers who are part of the crop insurance program and they support it fully. I have other farmers who are not. Notwithstanding repeated requests to discuss it further, they have still remained out of the program.

I understand that the Minister of Agriculture and Food has had a number of recommendations where it was proposed that improvements could be made and we could attract more farmers into the program, and I understand that the minister is contemplating some of those changes to make it more attractive to these farmers who are still not in the program. I wonder if the minister could share with us today what some of the changes are that might be contemplated and how we can make it more attractive to bring into the program the farmers who are not there now.

**Hon. Mr. Riddell:** The member for Simcoe Centre is no doubt aware that a task force was commissioned a couple of years ago to review the crop insurance program and to make recommendations for changes that would encourage more producers to participate in the program.

The task force made, I believe, 22 recommendations and most of the recommendations which fall within provincial jurisdiction were incorporated into our crop insurance program. One of the major recommendations made was that coverage over 80 per cent be considered. I understand that the federal government, being that the act is a federal act, now has the Crop Insurance Act under review and I am sure one of the things that it is reviewing is the coverage of 80 per cent. If they do choose to amend the act, then they will have to go into the federal House in order to get coverage over the 80 per cent.

One of the things we are doing here at the provincial level is including a floating price option for the major grain crops to ensure that the price at which the crop is insured is close to the market price at harvest time. The commission is also introducing crop insurance—and this will be for the first time—for greenhouse production of tomatoes and cucumbers. Coverage for these products is based on 80 per cent of the greenhouse operator's own average farm yield. These are in addition to many of the other recommendations we have already incorporated into the crop insurance program.

**Mr. Owen:** We are heading into a new crop year and one of the biggest requests I have had from the farmers in my area is to allow for increased premium assistance. Has the federal government given any indication to our province as to whether or not something will be in place to help the farmers for the crop year they are heading into this year?

**Hon. Mr. Riddell:** I had occasion to meet with Donald Mazankowski, the federal minister, two weeks ago. We had a two-hour session and raised a number of issues. We found common ground on a lot of the issues. I really look forward to working with Mr. Mazankowski; I think he is sincere about doing a job for agriculture and food.

He indicated that the Crop Insurance Act is under review, and I received more or less a favourable response from him that he was prepared to amend the Crop Insurance Act to allow coverage over the 80 per cent, which is the thing that the farmers are most concerned about.

I am sure we will also see a change in the premium structure. I have always indicated that I am prepared to pick up a portion of the producers' premium. I was hoping that the federal government would leave its contribution at the 50 per cent level, but I do not know what Mr. Mazankowski will come up with. Whatever he does, I am sure that it will favour the producers.

### PUBLIC SECTOR PENSION PLANS

**Mr. D. S. Cooke:** I have a question for the Minister of Financial Institutions. I ask this question because of my concern but also, as the minister will be aware, because there is a large number of people from the Ontario Public Service Employees Union here today. They would like to hear the minister's justification for rejecting joint trusteeship of their pension plan, as well as how the minister can continue to justify the specific inability, under the Crown Employees Collective Bargaining Act, for them to be able to negotiate their pension benefits. Why does the government of Ontario continue to take this paternalistic view towards its employees?

**Hon. Mr. Elston:** In Ontario, we have programs in place which are designed to ensure that the employees are protected in the workplace and which do all kinds of things that are new and novel, and we wish to become an even more model employer. That was one of the reasons—there were several—for us sitting down with OPSEU to discuss a whole new way of dealing with the pension issue.

I can tell the honourable member that I was disappointed when I found the union taking leave from the discussions surrounding pensions which we had with it, as I had indicated my willingness to retain a very open mind about the manner in which we dealt with pensions in Ontario. In fact, I am still willing to sit at the table and discuss these things and will look forward to the days when we talk again about pension issues, of whichever nature the union would like us to speak to.

**Mr. Pouliot:** You won't even give them a list of investments.

**Mr. Speaker:** Order.

**Mr. D. S. Cooke:** The government rejects the ability for the members of the pension plan to be able to have any decision-making influence on where their pension funds are being invested and how that has happened over the years. As well, the government refuses to allow them to negotiate their pension plan benefits when their contract is being negotiated. That is the question. How does the minister justify that attitude toward his own employees?

**Hon. Mr. Elston:** As I had tried to tell the honourable gentleman, in my role as Chairman of Management Board and in charge of the human resources secretariat, we deal with issues of pensions with respect to the Ontario public service. I have a very open mind with respect to how we deal with pensions in this day and age. I was disappointed, as I said before, that the union chose to leave the table. I welcome the discussions to continue.

Any way we can restructure pensions in a reasonable and liberal fashion is, in my view, an assistance. From my point of view, the people of the province would be well served if we were able to come to some agreeable resolution of our discussions, and I am quite open to that.

**Mr. B. Rae:** It's the liberalism we're worried about, Murray.

**Hon. Mr. Elston:** I can tell that the honourable members across the way do not like the idea that we have new ways of dealing with the issues of pension and other things that we want to discuss with our employees.

**Mr. Speaker:** Thank you. Order.

**Hon. Mr. Elston:** I am quite prepared to do that. I will continue to work to make the workplace in the Ontario public service sector a very good one to participate in and I will continue to deal with the issue of pensions in a very progressive fashion. I look forward to continuing discussions with the public service.

**Mr. Speaker:** New question. The member for Nipissing.

**Mr. Harris:** Thank you, Mr. Speaker. I never thought I would have to rely on the current minister to make Conservatives look good in the matter of negotiations with our employees.

**Mr. Speaker:** The question is for which minister?

#### DEVELOPMENTALLY HANDICAPPED

**Mr. Harris:** I have a question for the Minister of Community and Social Services regarding local associations for the mentally retarded in Ontario. Concerns about staff shortages focus on the lack of ministry planning with respect to deinstitutionalization policy and the ministry's failure to promote the profession. The real problem now centres on wages, resulting from ministry transfer payments.

The minister knows about these concerns. We discussed them briefly in the few moments available to me in estimates last week. He also knows that only his ministry can address them. What is he doing now to address them and what steps is he taking to ensure continued delivery of this vital service in the community by the associations of the mentally retarded?

**Hon. Mr. Sweeney:** We have indicated in our document Challenges and Opportunities that we accept the responsibility for providing community support services for the families of the developmentally handicapped who already live in the community. As a matter of fact, we have made a commitment over a seven-year period, from the release of that document, to provide services to 8,000 more families than we are now providing for, which I believe is about 25,000.

We also indicated that we would continue to support families to move their, in most cases adult children, out of institutions and back to the community. We made a commitment for 1,000 from institutions and 1,000 from nursing homes. We know, as do the community agencies, that is only going to be successful if we have a community support system in place that everyone can work with. That means residential services, day services and training services. It also means staff who are trained to do the job and who are paid to do the job that is required of them.

That follows a question I answered earlier from the Leader of the Opposition (Mr. B. Rae). Part of the total community wage package is now being considered by the government.



**Mr. Harris:** The cold, hard facts are that a counsellor working for the ministry earns about \$26,000 per year. A counsellor working and doing the same job for a local transfer agency that the minister is counting on to deliver his program makes about \$18,000.

The ministry is forcing local agencies to compete, but they cannot do it if they are limited to a four per cent transfer payment increase. At the same time, the ministry is forcing local agencies to do more and more in terms of delivering services that it expects them to deliver.

The minister knows there is going to be a strike. He knows he is going to have to provide the resources to settle the strike, either with salary dollars or with advice on what it is that he expects them to provide that they should no longer provide, what services they are going to have to cut.

**Mr. Speaker:** The question?

**Mr. Harris:** I would ask the minister to save the agencies, their clients and their families a lot of grief by acting now instead of when the strike takes place. What is he doing now to resolve this problem instead of waiting until that time?

**Hon. Mr. Sweeney:** One of the things we are doing, obviously, as I indicated, is reviewing our whole community salary package, and the extent to which we can improve it will be the extent to which we will certainly share it with the local communities.

The second thing we are doing is working with not only the agency in North Bay but many other communities across the province that are facing similar concerns and making sure that the service to the clients will continue if there is a work stoppage and looking at the range of programs which those agencies are providing and jointly asking ourselves whether or not we want to rearrange the order of priority of those particular programs.

As the member obviously knows, the desire of every local agency is to provide as much support and as many services as it possibly can. The budget that is available to it does not always allow it to do everything that it wants to do. Consequently, they have to review that, we have to review that; and we are doing it jointly. That is the process that is going on right now.

#### ONTARIO TRAVEL ASSOCIATION PROGRAM

**Mr. Black:** My question is for the Minister of Tourism and Recreation. I understand that the Ontario travel association program, which pro-

vides funding for tourist promotion across the province, is currently under review. Can the minister identify for us the status of that review and the time lines under which it is being conducted?

**Hon. Mr. O'Neil:** I would like to thank the member for Muskoka-Georgian Bay for his question, especially since he represents an area that is so important to tourism in Ontario. I can tell him that there is a review going on of the Ontario travel association program. That review started in the fall of 1988 and we are hoping that we will have the recommendations published some time before this summer.

**Mr. Black:** The minister is aware of the fact that my riding is in the Georgian Lakelands tourism area and that that tourism area represents three quite diverse sections of the province in terms of tourism development. He is also aware of the fact that there have been some concerns coming from those three diverse sections about whether one umbrella organization can effectively represent their views and their needs. Will there be an opportunity for those three areas to make their views known under this review?

**Hon. Mr. O'Neil:** I can assure the member that there will be consideration made so that all of those three areas will be heard. In each case, the review that is taking place includes, actually, three phases. There will be questionnaires, there will be telephone interviews and there will be meetings with all of the focus groups. In each of these consultations, we will be listening to representatives from the tourism industry, from municipalities, from the local tourist associations and also from the 12 existing OTAP organizations that are spread around the province.

I can assure the member that my staff and myself are prepared to listen to all of the different groups—any that he would recommend—and we will, hopefully, meet with all of the people concerned with tourism in that area and throughout the rest of the province.

#### PLANT CLOSURES

**Mr. Mackenzie:** I have a question of the Minister of Industry, Trade and Technology. The closing of the Lundy Steel plant in Dunnville, with a loss of 170 jobs, was announced with a half hour's notice to the workers involved and no look at the books. Does the minister consider this appropriate and good corporate citizenship?

**Hon. Mr. Kwinter:** I am sure the member will know that Ivaco, the company that is the parent, has been rationalizing its industries and that this is not the only plant. We deplore any

time any workers are put out of work. I should tell the member that we have very little control other than to make sure that the provisions under the labour legislation are followed. We will certainly see, through the Ministry of Labour, that those are followed.

**Mr. Mackenzie:** The minister has given part of the supplementary. This is not the first time that Ivaco has closed down a plant. As a matter of fact, it is at least the third plant I know of that they have closed in the name of rationalization. There was the Canron subsidiary in London, the Automotive Hardware/Federal Bolt and Nut operation in Toronto and now Lundy Steel. In each case, there were no discussions with the workers or the unions before the announcement was made, no explanation given for the decision and no hope given that anything might be reversed.

Why is it that this government seems to be the easiest patsy in the western world when it comes to companies closing down plants where workers are adversely affected? Why is it this government has not lived up to its promise—which would deal exactly with this—for there to be some justification, some earlier notice and plant closure procedures in Ontario?

**Hon. Mr. Kwinter:** The member will know that there is nothing that we can do to compel a company to stay open if it decides it is going to close down. What we can do is make sure that the workers are adequately treated. That is something we have provisions for in the labour code and we will be pursuing that.

#### COMMUNITY SAFETY

**Mr. Runciman:** In the absence of the Minister of Health (Mrs. Caplan), I will direct a question to the Solicitor General that has to do with individuals out in the communities on loosened Lieutenant Governor's warrants.

The Solicitor General will know that her colleagues on the standing committee on public accounts last week rejected a call from our party to have an efficiency audit done of the risk management system in place at the Brockville Psychiatric Hospital after an incident there a couple of weeks ago.

Following that rejection, on Thursday evening we had an escape from ward K, the forensic unit of the Brockville Psychiatric Hospital, of an individual who was responsible for some very serious violent crimes in the Toronto area a few years ago. That was his third elopement, as the hospital likes to describe it, in a month and a half.

As the minister responsible for policing, does she have any concerns that she may want to inform the House of with respect to the problems these individuals are creating for police forces right across this province?

**Hon. Mrs. Smith:** I recognize that the member has much concern for the people in his community because of these elopements from the institution, but I think he should be aware that they represent a very small minority of the people involved and that indeed many controls are being put in place.

As the Minister of Health has assured him in the past, they are looking very closely at this now to make sure that in considering the treatment and freedom given to anyone on a warrant, they will first take into consideration the safety of the citizenship generally. On the other hand, when people act outside what is permitted to them, that creates a different circumstance.

**Mr. Runciman:** I do not think the minister is keeping on top of what exactly is happening in that system. In the Brockville incident, the staff at the hospital were notified that this individual had been drinking three days prior to the incident occurring. They were very much aware that he was extremely dangerous when drinking. When he disappeared in the community, the police were not notified until an hour and a half after his arrest.

I think the minister has to appreciate the concerns being expressed by the policing community, let alone the public at large, with respect to these individuals being out in the community with their activities not being monitored adequately at all.

Talking about the number of incidents, I suggested on Thursday that perhaps the only way we are going to jar the Minister of Health and this government into action is if we end up with a murder on our hands. I hope that is not the approach the minister will support, and I hope she will urge her colleague the Minister of Health and the other members of the public accounts committee to support a public inquiry at best, and if we cannot get that at least an efficiency audit of the risk management system in the psychiatric hospitals across this province.

#### 1500

**Hon. Mrs. Smith:** Indeed, the Minister of Health has been looking very closely at this and has put into place instructions that a very careful look be taken at public safety, which is the first consideration in allowing these people out or in giving them any freedom whatsoever.



As the member knows, as a person is recovering and is making progress, it is logical that some degree of freedom would be allowed as he or she recovers. Many people do recover and indeed are subsequently returned to society. However, every care will be taken to make sure that only appropriate people are so released and that in looking at these cases the prime consideration will be for the security of the outside society to which they are being returned.

## PETITIONS

### RENT REGULATION

**Mr. Kanter:** I have a petition signed by approximately 120 residents at 103 Avenue Rd. Just before I read the petition I want to indicate to all members it is totally unsolicited. The petition reads:

"We, the tenants of 103 Avenue Rd., strongly support the current rent regulation in Ontario. The increasing pressure from landlords and the media to make rent review obsolete is unacceptable. We want government action to prevent unlimited rent increases and the resulting economic hardships of deregulation."

Mr. Speaker, I have signed my name to the petition and would now present it to you.

### RETAIL STORE HOURS

**Mr. Fleet:** I have a petition from 67 members of Windermere United Church. It is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We wish to express our objection to any expansion of Sunday shopping within our community and our province. We urge our elected representatives to continue present restrictions on Sunday store hours as a realistic means of promoting community wellbeing and family togetherness through the encouragement of a common day for rest and refreshment.

"We urge the provincial government to retain its responsibility under the Retail Business Holidays Act and not pass this on to the municipalities."

I have signed this, in accordance with the rules of the Legislature, as the member for High Park-Swansea.

### ANIMALS FOR RESEARCH

**Mr. Wildman:** I have a petition signed by 16 residents of Warton and Owen Sound. It is addressed to the Honourable the Lieutenant Governor and Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the parliament of Ontario to pass into law a bill prohibiting the use of animals in cosmetic and product testing."

As the members know, this brings to more than 30,000 the number of names submitted on such petitions.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr. Elliot from the standing committee on general government reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Labour be granted to Her Majesty for the fiscal year ending March 31, 1989:

Ministry administration program, \$26,077,000; industrial relations program, \$12,144,200; labour relations board program, \$7,607,300; occupational health and safety program, \$53,092,300; employment standards program, \$9,526,000; workers' compensation advisory program, \$7,381,000; Pay Equity Commission program, \$4,226,500.

### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Neumann from the standing committee on social development reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Community and Social Services be granted to Her Majesty for the fiscal year ending March 31, 1989:

Ministry administration program, \$40,622,000; adults' and children's services program, \$4,223,220,200.

## INTRODUCTION OF BILL

### LANDLORD AND TENANT AMENDMENT ACT

Mr. Philip moved first reading of Bill 214, An Act to amend the Landlord and Tenant Act.

Motion agreed to.

**Mr. Philip:** The purpose of this bill is to make void any provision in a tenancy agreement prohibiting a tenant from keeping a pet in a rented residential premise. An exception is provided in the case of a rental accommodation of a condominium unit, if the declaration for that condominium corporation prohibits owners from keeping pets.

### MOTION TO SET ASIDE ORDINARY BUSINESS

Mr. Allen moved that pursuant to standing order 37(a), the ordinary business of the House be set aside Monday, February 6, 1989, to discuss a matter of urgent public importance, that being the underfunding and lack of planning of programs and facilities for young offenders in Ontario and the resulting lack of public confidence in the current systems of care in control of these young offenders.

**Mr. Speaker:** The member for Hamilton West has moved that the business be set aside to discuss a matter of urgent public importance. For the information of the members of the House, this notice was received within the proper time and therefore seems to be in order. I will listen to the honourable member for up to five minutes as well as representatives of the other parties for up to five minutes.

**Mr. Allen:** The circumstances of the death of Krista Sepp at the Kinark Child and Family Services home in Midland are an issue that I think has shaken many people in this province. It is quite evident to those of us who have our ear tuned to the media, those who are reading the press, those who are watching the television sets, that the media and, I think one would have to say, the public at large are desperately concerned about what is happening with respect to group homes, residences of open custody, treatment of young offenders and those with whom they are housed in those institutions.

We have been trying on this side of the House for some time to convey to the minister our urgent sense of the inadequacy of the funding of a whole range of transfer agencies that get money from the ministry. This is just the latest in a series of examples.

I suggest there has been an intersection of two things that makes this a crisis. One is the level and rate of violence, which appears to be rising in our society. Certainly the unionized workers of the Ontario Public Service Employees Union and the Canadian Union of Public Employees who work in these agencies have been pressing the ministry for some time with the fact that they are confronted with a rather new clientele that is much more difficult for them to handle, that the guidelines and understandings that have developed around those institutions are inadequate and yet they have received no response from the ministry with respect to their concerns.

Second, the ministry's transfer moneys do not provide these institutions and agencies with sufficient resources to carry out their job

adequately. In group homes, 50 per cent of the staff are on probation. Recruitment is difficult, pay is poor and staff turnover is high. As a result, these agencies are tempted to reduce their staff, cut back at the slightest provocation and run on minimal resources.

That is the background explanation as to why, when occasionally they do put an additional person on when threats are received, as in the case of the Kinark home, they very quickly go off that additional staff allocation and one is left again, on low times and at night, with simply one person in place.

### 1510

It is equally an emergency when, given these circumstances, it is possible for group home managers to place a young person who is barely into the profession and who is barely trained in the profession in solitary control of any group home that houses emotionally disturbed children or young offenders. The consequences are obviously blazoned before us, the result of that absence of policy, of precautionary guidelines in that circumstance.

There are many people who believe that even under such guidelines as exist, where managers are prepared to place new, young and untrained or very recently trained staff in those circumstances in such places of jeopardy, perhaps they should be subject to charges of criminal negligence because the results are obviously very criminal in their consequences.

The whole question of the health and safety of workers in these locations, combined with the necessity of having intelligent, rational, well-supported care for young offenders and those in their teens who are emotionally disturbed in these home situations, has obviously become a matter of very critical and emergency concern for our province.

We remember, for example, when the police not many years ago had to fight very hard to get pairing on their beats in order to protect themselves. It would appear that in group homes it is also necessary never to have anything less than pairing.

There is a whole series of questions we wish the minister to answer this afternoon. He may not be able to answer all of them, but we feel the public is entitled to a full and clear debate in the light of these circumstances at Kinark Child and Family Services and in the light of other recent events that have a tragic similarity to those events so recently past in our own province.

I urge the members of this House and the other parties to accede to an emergency debate on this question forthwith.



**Mrs. Cunningham:** It gives me some amount of pleasure to speak to this motion this afternoon because we too in the Progressive Conservative Party feel this is a matter of urgent public importance.

**Mr. Speaker:** We are not speaking to the motion; we are speaking about whether we should speak to the motion eventually.

**Mrs. Cunningham:** We will do it both ways, then.

I will speak to the fact that we need a public debate on the motion, for these reasons: Everyone agrees there ought to be changes to the Young Offenders Act. We hear it in this House. We hear it from the public. We hear it in the workplace. Those of us who work with young people know it. Everyone also agrees that it was appropriate for the minister concerned to write to the federal minister asking for these changes. We all agree with that particular action and we support it.

The real problem is the administration of the Young Offenders Act. I think the public has the right to hear the debate and the concerns of those of us who represent them, because of the things that are not happening with the provincial responsibility; that is, in the administration of this act.

The tragedies we watched this weekend have a lot to do with the way the province administers its part of and responsibility to the Young Offenders Act. The government must order a public judicial inquiry into the administration of the Young Offenders Act to ensure that those within the system, and the general public as well as the young offenders themselves, are being effectively served. That is why I think we should begin the debate on this motion this afternoon.

We must improve the way we conduct business here in Ontario when it comes to our young people. We have stated that we do not want our young people always to be in secure facilities. In fact, we want them to be in community-based environments that are secure. Over the weekend we were reminded that at least in two instances, this was not to be.

We are thinking that a lot of the problems have to do with the policies and procedures that are lacking or are not being enforced or are not being funded to the extent they must be so that our young people and the public can be safe.

We know that we are able to make, and we know it is important to the public that we make this a number one priority in this province. Of course, we support the government in its position of trying to rehabilitate young offenders in

settings that are important to them and to their families. At the same time, we know it is very important to the public that they be cared for—the young offenders, that is—in a meaningful way, not only so that they can be rehabilitated and cared for appropriately but also so that the public can be safe.

It is with a great deal of difficulty that some of us have come to this debate this afternoon, in light of the tragic death of some six people this weekend, five young offenders and a halfway house worker. It reaches really to the bottom of all our hearts, as we know the kind of commitment people in our facilities have in order to help the young people who are there, expecting and deserving our assistance.

At the same time, there is some professional risk and some personal risk. Some of the points that can be made by the speakers this afternoon and some of the suggestions that we can give to the government have regard to a lack of facilities, underfunding, and more important, a need for a public inquiry. Our party will definitely be speaking to this public inquiry, and we are now talking about a judicial inquiry.

We hope there will be a reasonable time frame so that we can come back to this House with some suggestions for improvement that will be acted upon immediately, because this is a real concern to the public. I think some things happened this weekend to families across Ontario, not only those that lost their loved ones but others as well, that we could have avoided.

**Mr. Speaker:** The member's time has expired.

**Hon. Mr. Conway:** I want to say that I have listened with care to my friends the member for Hamilton West and the member for London North. I think they make a very good point inasmuch as they request an opportunity in this Legislature to debate what is clearly a matter of concern, not just to the 130 members of this assembly but to all the people of Ontario.

I know how I reacted personally on the weekend, hearing of the stories that have produced the climate of concern my friends the member for London North and the member for Hamilton West have already spoken to. I have to say, on behalf of the government, that we welcome this opportunity to debate something about which we are going to have to reflect very seriously, both as a government and as a Legislature.

As the Minister of Community and Social Services (Mr. Sweeney) indicated this afternoon, as a result of what has transpired over the last

little while in the community, there is certainly going to be a concern about our ability to do the sorts of things that I think we on all three sides of the political table at Queen's Park have indicated we want to do, which is to have good, community-based programs for young offenders and for others in the community.

I say to my friend the member for London North that she quite properly indicates some of the areas about which there has been an identified concern. The member would have heard earlier this afternoon the Minister of Community and Social Services indicate the initiatives we have taken in so far as funding supports and staffing guidelines are concerned.

I might add, in the absence of the Attorney General (Mr. Scott), that the government of Ontario, this government, has indicated—I think, to be fair, the predecessor government indicated right at the outset—a concern that was evident within the ranks of the Ontario public service about what the Young Offenders Act might mean in so far as certain administrative and other matters were likely to be. Some of those concerns have unfortunately been borne out.

I believe today the Attorney General has once again written, to the newly appointed Minister of Justice for Canada, indicating the desire of the government of Ontario for some change to the federal Young Offenders Act, because it is increasingly clear that change is called for if we are going to be more effectively able to cope with a number of the challenges that have been presented to providers and those enforcement agencies mandated with the responsibility of carrying out that Young Offenders Act at the provincial level.

1520

I want to say without any further ado that the government welcomes the opportunity to set aside the ordinary business of this Legislature this afternoon to deal with a matter of concern to all members, and certainly to the government. I say, as one member of the government, that I am very interested in hearing from my colleagues in the assembly what their advice will be as we deal, not just with the issues before us but with those aspects of public confidence to which my colleague the Minister of Community and Social Services referred in the various exchanges earlier today in question period.

I want to indicate as well the willingness of the government to listen to submissions from our friends opposite to make sure that we can move forward in a way to reinforce the very good things we all want done in the community. We

want to avoid the kind of scare tactics that can sometimes arise in the context of these debates. Any of the members who have ever been associated with the group home debate in a given community—I have just gone through one in my own community and I well appreciate, as I think all members do, that this is the kind of issue where there is an opportunity to raise fears.

It seems to me we have a responsibility, all of us in government, in the Legislature and those with a leadership role, to make sure that we recognize the problems as they present themselves and that in a serious and constructive way we find remedies to address the problems that exist, and that we do not in any way inflame public opinion. I must say in light of what has happened over the course of the last few days that I think the public will be reassured to know the members of the Legislature are working in a very constructive way to find a resolution to the current difficulty.

My colleagues and I, and most especially the Minister of Community and Social Services, welcome this debate this afternoon.

**Mr. Speaker:** We have now dealt with Mr. Allen's motion under standing order 37(a), (b) and (c). We now come to standing order 37(d), where I can only put the question, shall the debate proceed?

Motion agreed to.

#### YOUNG OFFENDERS

**Mr. Speaker:** I will remind members they have the opportunity to speak for up to 10 minutes and any member may speak. If we run out of speakers or debaters before six of the clock, the debate will be completed. Otherwise, it will continue until the clock strikes 6 p.m.

**Mr. R. F. Johnston:** One rises to participate in this debate with a mixture of emotions: profound sadness, a knot in the stomach and a lot of anger that this kind of an incident or these incidents could occur in our province. As somebody who has been responsible for social services critiques for the last 10 years, I would like to try to put this in some kind of context because these things do not happen out of the blue.

I also appeal to people to deal with this rationally and not to deal with this in terms of reactions against straw men—I speak pointedly here about the Young Offenders Act—but to look specifically at why certain things have taken place, deal with those precise problems and not look at turning back the clock too many years to the kind of juvenile delinquent corrections



service we used to have prior to the inception of the Young Offenders Act.

At any time young lives are snuffed out—I think of those kids killed on Highway 401, many of whom were not older than the pages we have in this room, who had run afoul of the law and were in difficulty in their lives at a very young age but now will have no further problems because of that accident, and I think of a young woman only two weeks out of a community college course, whose family had already gone through a tragic incident with an older brother being killed, who was then killed in the night doing her duty in one of the group homes of this province, in an organization, Kinark Child and Family Services, that has been working now in this province under that name and others for a long, long time, sometimes dealing with people no one else wished to deal with.

It is with regret and a measured anger that I wish to express today that these things could have taken place in 1989.

We had a chance to review the Young Offenders Act in this parliament a number of years ago. As a province, I think we have implemented it more badly than any other jurisdiction in the country. I do not place the blame for that upon this government; I place it on the past Conservative government for the way it failed to leap at the opportunity to meet the spirit of that law, to have one ministry deal with it instead of two, as we have decided to do, with two sets of rules and standards, and that we did not move on it more firmly.

Subsequent to that federal law being passed, we passed a law in this House, the Child and Family Services Act, after much deliberation. If I were looking at a law that I now wanted to deal with, it would not be to attack the federal Young Offenders Act. There are one or two small things I would like to see changed in that act, but that is not the agenda of the people who want that act changed. They want to take us back to the old detention centres we used to have before that act. I hope we do not have that holus-bolus reopening of that piece of legislation, but we should look at our own legislation and what we failed to do with the Child and Family Services Act.

We have not made any substantial changes in our notions of guidelines and standards for homes that are operated by private for-profit organizations, as well as by a few not-for-profit organizations. We still have staffing standards that are so wide open you can drive a truck through them, and which I think with their lack of precision can be looked at in terms of the death of

Krista Sepp specifically. We have no real guarantees for the protection of staff or even the self-protection of the young offenders with the present guidelines that are established.

Our inspection system in terms of seeing how the staffing is working out is, in my view, primarily a monetary inspection to try to make sure the line-by-line accountability for the budget, which this ministry demands, is met, but not that standards of care are established and followed.

I would like to know how it is that with a person who has been incarcerated in a secure detention centre for many months before this move to Kinark, when a warning came that there was going to be some sort of problem from outside—which we have heard very cryptically about today—extra staffing was put on for merely a couple of weeks, from what we can gather at this stage, but nothing else was there to be able to fall back on to make decisions that might have protected this young worker's life.

How is it that somebody coming straight out of community college, with two weeks on the job, is in that home a few weeks after there has been a warning there might be some difficulty, alone at night in that kind of circumstance? How on earth could that take place under provincial legislation? It is because we do not have guidelines to speak of that are worth a cent, that are worth anything?

This is not a new issue. I want members to know I personally raised this issue as early as 1980. People raised it well before I raised this matter. Even members of the Liberal Party raised this matter when we were dealing with the Child and Family Services Act.

**1530**

I think it is without doubt time to do what my leader was suggesting in his questions, and that is to have a public inquiry about just how all of this works. When we had the select committee on health, before this last election, studying privatization and commercialization, it was felt by many Liberals—I regret to say, because this seemed to be a change of policy from what I had noted in the years before they became government—that it did not matter whether you gave your money out to a private system or whether you maintained it in the public system in terms of the delivery of these kinds of services.

I suggest to you, Mr. Speaker, that there is a really profound reason why it should be nonprofit and why it should be government-controlled: If you do not have that kind of direct accountability by the government itself, then you do not impose

the kinds of guidelines and standards that keep us on our toes and that keep the provision of services appropriate to the needs of the young clients.

I know the member for Cambridge (Mr. Farnan) has stood in this House recently and talked about what a lot of guards and workers in the system of corrections are saying today, and that is that the clientele is changing. I know that the minister will agree, in the Ministry of Community and Social Services' responsibility for the under-16s, that the kind of clientele is changing as well with the new definitions of secure custody down to open custody and with the kinds of decisions that judges are making in terms of where people should be placed when they are released to one kind of option or another.

I am not sure that we have looked at the standards that are appropriate to each kind of institution, to make sure that the kids are protected, that the society is protected and that the workers are protected. I really think it is time that we had a major open review of that process, and in that context that we look again at whether we want this in the private system or whether we want these publicly run and publicly accountable.

The turnover of staff is enormous. The pay for staff is terrible. We know that. The training for staff, because of that turnover, is inadequate. In all these areas one has to say that these things will only lead to problems. This is the kind of matter where 10 minutes is not sufficient to address the enormity of it, either in terms of the personal tragedy which has taken place or in terms of the scope of where we should be going.

I would just plead to this House that it not turn all its attention on a federal Young Offenders Act and look for all the problems there, because it is my belief that the principles of that act are still sound. It is the implementation of it in this province which has been problematic, and that is where we should be focusing our attention and where this minister should be getting the kind of resources that he requires to run the kind of system that all of us would want if our 14-year-old child got into trouble or if our 21-year-old daughter was going to be working in that system and trying to provide the care that we would want for those children.

I therefore commend the member for bringing forward this motion this afternoon and ask all members to speak to it at length.

**Mr. Brandt:** I want to join with the opposition party in endorsing the concept of a public inquiry, as I indicated to the minister during question period, because I believe that there are

some fundamental problems in connection with the facilities, the administration, and also, I have to say to my good friend the previous speaker, the whole issue of the Young Offenders Act as it relates to the terrible horrors that occurred this past weekend when a number of lives were lost in our province.

If I can just focus on the Young Offenders Act for a moment in connection with some of the concerns that our party has: From what I heard of the minister's response today, essentially, I believe, we are in concert with him on some of the changes that he would like to see occur. I do not consider that to be a draconian response or a shift back to an earlier age when, in fact, we did not deal with young offenders in a more enlightened and responsible manner. But I do believe that there are some very critical and very serious errors and problems with respect to the present act that have to be addressed.

One of them comes to light in a very specific sense when you take a look at the case that occurred in the death of Krista Sepp in Midland over the past weekend, where the communications were so bad that not even the local police chief was aware that there were two young offenders in that group home. I believe the police chief had every right to know at least that there were individuals who had been charged with particular types of crimes who were being held there at that time.

When the police chief himself in that jurisdiction is not aware, I would suggest to members that the level of communications to the community and to those responsible for the administration of justice in our community is totally, completely and entirely inadequate. I think that kind of communication is reasonable, and there may be other authorities that should have that type of information as well. I would include in that perhaps the educational system and perhaps some social workers who may have to be made aware of it; but I am talking essentially of professionals who work in the field as opposed to the public at large.

I think there are also some very real concerns that relate to the question of sentencing under the Young Offenders Act and the limitation, as an example, of three years on a crime that is as heinous as the Scarborough incident, where three people lost their lives. The individual responsible for that has effectively lost one year off his life for every life that he took. I think that is just unacceptable to society as a whole.

I am not one who believes in capital punishment, I might add as an aside, but I do believe in



appropriate levels of punishment and also some indication that the individuals in question are going to be safe when they are put back into society to live a normal, everyday life. The kind of aftercare for individuals like this concerns me. For these reasons, I believe that the Young Offenders Act has got to be looked at as part of any kind of inquiry that would look at the circumstances surrounding some of the incidents that have caused, I think, a real question of confidence in the minds of the public over this past weekend.

I would also like to make comment about some thrust towards having all of these facilities operated in a public way as opposed to any private facilities. Having sat on the other side of the floor from time to time—and for all too short a time, some might say—I do recognize that there are moments when the government has got to look at the best method of delivering—notice I did not say the cheapest—a particular service that makes sense perhaps to be done privately as opposed to publicly.

I would really question in this particular instance whether it was only the fact that this was a privately run group home that caused the problems. I would suggest that there were probably other issues, such as a recognized level of care that should have been provided and a recognized level of budgeting associated with that care that should have been much more in line.

If you only pay for one worker, whether that worker is public or private—and making the presumption, if I might, that both kinds are adequately trained and with adequate levels of experience—I would suggest that there may well be instances where a privately run group home may be as responsive to the needs of the community as a publicly run group home. I am not going to place myself in a position where I say that one is better than the other, because I believe that there is room and there may well be a need for both types of homes.

But I have the same questions, and this is why I think there is a question of confidence and why I think this particular motion is appropriate today in calling for this emergency debate, in that there are so many questions surrounding the Krista Sepp case that are very bothersome. Here we have a young lady, some 21 years of age, who has recently graduated from a community college, who has been on the job the sum total of about nine days.

There may well be some circumstances under which a more experienced male or female

individual, with this kind of training but more experienced, could work alone, even though I have some concerns about people working alone in this environment. But I have to suggest that in this particular instance, with someone who has no more than about nine days of experience, one is really placing him or her in a position of jeopardy that causes me some concern. A public inquiry would come to grips with questions like the issue of whether these kinds of workers should be left in a situation where they are forced to work alone.

#### 1540

Interestingly enough, on the same weekend we had individuals who escaped from another institution where there were in fact two workers who were in place at that particular time. There is no guarantee that because you have two or more workers an incident will never occur, but I suggest there is a number of workers which may be safe in particular circumstances. A public inquiry, we hope, would look at that question.

Ontario's chief coroner, who was involved in the review of the incident that happened in 1985, indicated that he was shocked to hear that this young lady was forced to work all by herself in this particular situation.

I think there are a number of questions that have to be addressed: the quality of care, the review of the Young Offenders Act and the amount of money that is being committed on the part of the government in connection with the servicing of this program.

In dealing with it on a day-to-day basis, as I do and as many members of this Legislature do, I sense a real feeling of frustration among police authorities, social service workers and people who are involved in the security of these individuals about the lack of aftercare, in some instances, that has to be provided.

There is a feeling that they are not able to come to grips with what the Young Offenders Act really implied when it was first put into place. Really what we are saying to a young person is: "Because of your youth, we're not going to put you into an environment where you're exposed to hardened criminals. We are going to try to rehabilitate you."

If rehabilitation is the foundation upon which this entire act and the facilities we have put in place, limited though they might be, are founded, if that is what this whole exercise is all about, then I think we have to look very carefully at whether or not we are meeting with a degree of success with respect to the issue of rehabilitation.

I would suggest to the minister that people in our community and society at large are asking some very direct questions. Is the act working? Are the facilities adequate? Are circumstances like those we experienced this past weekend preventable? If so, I think the people of Ontario are prepared, if necessary, to spend some more money on issues like this, on questions of this type, in order to make sure that we do have an adequate response to dealing with our young people in this, on issues at this level of importance.

I again ask the minister to seriously consider a public inquiry. I think that would be more balanced and fair than an in-ministry review. I ask him to keep an open mind on that particular question.

**Hon. Mr. Sweeney:** Let me begin by thanking my colleagues on all sides of the House for the tenor in which this debate is taking place and in which the previous question period took place. The opportunity to blow it out of proportion is always there, and I am genuinely pleased that no one attempted to do that and no one is going to do that today.

I was in my home this past weekend, and of the three of my children who are still living at home with us, one is a 22-year-old daughter and the other is a 15-year-old son. I could not help but realize that either that 15-year-old son or that 22-year-old daughter could have been one of the two people who were killed these past three days. I guess that is what really drives it home. It could be any one of us at any time. That is what makes it so personal. I do not get the sense from anyone who has spoken so far, either during question period or now, that this is something out there that happens to other people. It could happen to any one of us.

I do not want to go into a lot of detail about the particular issues. Quite frankly, I think I have shared with the members all the hard data that I have and I will certainly share with them in the days ahead any more that I get.

But I very much want to pick up on a theme that the member for Scarborough West (Mr. R. F. Johnston) raised and that was, I sense, supported by the member for Sarnia (Mr. Brandt), and that is that despite the tragedy we have experienced, going back to where we were before is not the answer.

I can remember very vividly when I was a director of education for a school board meeting with Judge Ross Fair, who was our family court judge at that time, and sharing with him the absolutely horrible experience we were having

with our young students coming back from training schools after having been sent there for whatever period of time. They came back very disillusioned. In terms of their attitudes, they came back worse than when they left.

Our judgement was that there were no corrections taking place, there was no rehabilitation taking place, and we asked: "Judge Fair, isn't there another way? There's got to be a better way." He expressed the same thing to me. He said: "I agree with you, John, but I have no alternatives. The present federal legislation and provincial legislation do not give me any other alternative. What am I supposed to do with these kids?"

That is why I so welcomed the Young Offenders Act as a move forward, and I want to say very clearly that while I believe that some changes need to be made, the act itself and the spirit behind that act are good. I do not want that to get lost.

I remember that under the old legislation, the Juvenile Delinquents Act, we treated children in a very paternalistic way. We did not recognize any of their rights. A judge simply made a disposition that this child was going to go to a training school and that was it. It was then entirely up to officials of my ministry to decide what training school, how long the children were going to stay there, what was going to happen to them and where they would go after that. They literally became wards of the crown until their 18th birthday. A 12-year-old could have found himself or herself in our custody for six years. I do not know how often that happened, but the potential was there.

What the Young Offenders Act clearly said was: "Listen, you can't treat children with any less justice than you treat adults. There's got to be a clearly defined sentence. There has to be a clearly defined place where that sentence is going to be carried out. You have to be sure that you do everything you can to rehabilitate young people, because they are going to go back to society." It is not a case that we are going to be able to keep them there for the rest of their lives; they are going to go back. And how are they going to behave? What is their attitude towards themselves and other people going to be? Surely that is what we have to accomplish.

That was truly the remarkable thing about the act, and there was a tremendous debate across this country, at the federal level and at the provincial level, about the need for change. The kinds of disagreement between the two levels of government, Ontario and Ottawa, at that time



had more to do with the administration and the funding and things like that than the fact that changes needed to be made, and I hope that would not get lost.

The other clear thing that the Young Offenders Act points out is that, by opening up the process, there is the possibility of open custody that would take place in communities, not in institutions. We recognized that if we were going to help these young people, if we were going to help their families, then it was going to take place in their communities; it was not going to take place somewhere far away where we simply sent them and forgot about them or tried to forget about them.

That is why it is so important that we recognize the continuing community aspect of young offenders' rehabilitation, but that immediately imposes upon us the other side of the coin, which is the protection of the public.

I must candidly say I do not think we have given that side of it as much attention as we have given dealing with the young people themselves. That is what we have to look at in this review right now: the extent to which we are supportive of the twin pillars of this act. The public has the right to be protected and expects to be. We also have a responsibility to rehabilitate the young person. That is what the whole act rests on, and I fully accept that responsibility.

#### 1550

I want to share with my colleagues that as we have moved these young people into our communities, we have recognized in two specific parts of this province, in the northern part of Ontario and in the southeastern part of Ontario, the need to put community supports in place as well, and not just the facility. We have established five teams in the north and in southeastern Ontario two teams of community resources which work directly with our facilities, whether the ones we operate ourselves or the ones that are operated by community agencies.

We try to work with these young people before they go in, when we see problems coming up, we try to work with them while they are there and we try to work with them after they go back to the community. The whole sense is that while we may not be able to prevent young people from committing their first offence, which usually is minor—that is the experience we have—surely once we have an opportunity to work with them, we can help prevent them from committing the second and the third and the more serious one.

We have recognized that this community support system needs to be in place. As I say,

thus far we have put it in place in the north and in southeastern Ontario.

With respect to the impact on the community of moving young people in there, we have realized that the ways in which we provide those services are not meeting everybody's needs as adequately as they ought to. Because of that, we have asked Colin Maloney, who is the executive director of the Catholic Children's Aid Society of Metropolitan Toronto, to pull together a team of people from the total cross-section of this field to look at how we deal with children we take into care, whether it is a child who has been subject to child abuse, whether it is a child taken into care because his family simply cannot look after him any more for a whole range of reasons or whether it is a young offender. In all of those cases, we have taken that child into care; we have assumed some limited responsibility for that child's life.

What we have asked Colin Maloney and his committee to do is to look at the ways in which we respond to those children's needs at present, through our children's aid societies, through our children's mental health organizations, through a range of community service agencies, to see whether we are providing the most appropriate care to each child as that need arises; to look at the whole question of funding, to look at the whole question of staffing, to look at the whole question of resources other than funding, to look at the whole question of training. Who should be providing the service most appropriately for this particular child, regardless of what his or her need happens to be?

The question of pay differential has already come up. I have made it very clear in this House that this is a problem. The salaries we pay to employees of our directly operated facilities are higher than what we transfer to our transfer payment agencies. That has been a problem for several years. Previous speakers have already alluded to it. We are very much aware of it and I as the minister have accepted it as part of my responsibility to close that gap, to bridge that differential. I continue to accept that responsibility.

I realize that if we are going to ask communities to accept their share of the responsibility to provide service to these young people, or if it happens to be disabled people, we have to assure those communities that the necessary line of resources are in place. For that, I thank my colleagues for their support and I ask for their continued support.

**Mr. B. Rae:** I hate to break down this attempt by the minister to establish a kind of nonpartisan

consensus, but I must say to him that I am critical of the government with respect to what has been allowed to happen; I think it is important for those questions to be asked in terms of the changes that need to be made. I think the minister is quite right in saying that the mood of the House is a sombre one, as I think is that of the public, indeed, even of the press scrum which I spoke to outside.

I think there is a recognition on everybody's part that this is a real problem, that it poses an enormous challenge to all of us because of the importance for us to strike a balance. That balance, as I have suggested, is not simply twofold, as the minister has described, between the interests of the public and the interests of the offender; it is also, frankly, the interests of the people who are working in the institutions, whom we ask to carry what is now obviously a very substantial burden in terms of their work and their commitment, for which they are not particularly well paid, where it is now clear that many of them run a substantial risk of increasing assaults, of which we have records from the correctional institutions of all kinds, dealing with older people as well as people under the age of 18. There is tremendous emotional strain. Now we have the tragedy of Krista Sepp, which follows on from the tragedy of Celia Ruygrok which took place over three years ago.

I do not want to get into a long debate on the Young Offenders Act. I am probably one of the only members of the House who actually spoke in the debate in the House of Commons when we were debating the act several years ago. I think there do need to be some changes. I think there is a growing consensus that there need to be some changes.

I agree with my colleague the member for Scarborough West that this is no time to go back to the Juvenile Delinquents Act and this is no time to revive the notion that we can somehow treat young people as if they do not have any rights.

Sometimes the Young Offenders Act is misunderstood in that it is asserted that the basic thrust of the Young Offenders Act is that young people are not responsible for their actions. It is quite the opposite. The thrust of the Young Offenders Act is that young people are responsible for their actions, that they have certain legal rights and that they should be treated as if they have those rights when they are charged, as opposed to the Juvenile Delinquents Act, under which, as the minister has quite rightly pointed out, if a policeman thought, for whatever reason

under the act, that somebody posed a problem for society or for his family or was engaged in behaviour that was deemed to be systematically disruptive, that person could be labelled, taken out of his family, taken out of his community, taken out of his school and sent off to what we used to call Borstals in England but what are called treatment centres here, and bingo, he is away.

That is not a world to which I want to return. I would even say to those who think the answer to our problem is simply to lock people up and throw away the key—even if that were one's philosophy—we would have to do a better job of it, frankly, than we are doing right now.

What I want to focus on is making changes to the Young Offenders Act. I think we could probably find a consensus in this House that they needed to be made—commonsense ones that recognize there is a particular problem, particularly with older young offenders with regard to breaches of the Criminal Code, where you have a clear breach of the Criminal Code and where there are some real problems with respect to sentencing and also questions of protection of the public. Those are things which I think we could all agree on. Even if we make the changes, we still have an issue in this province in terms of what we do.

It is not only these young people. I would remind members that the group home in question in Midland was not primarily a detention centre for kids who were found in breach of the Young Offenders Act. It was a home that was intended to be for kids who were emotionally disturbed and who were there as part of a course of treatment that was recommended, but not one that was required by a court. This was not a facility operating under the Young Offenders Act in particular. It was a centre that was operating as a group home, dealing with a range of children.

The questions one might ask are, "How is it that offenders under the Young Offenders Act found themselves there?" and, "How is it that they find themselves there cheek by jowl with other kids who may not have a similar problem or situation?" I think the issue we are going to have to come to terms with is whether we have the places, the care, the supervision, and yes, the treatment that is necessary for the children who are involved. I use the word "children" advisedly. I am speaking of young offenders, people under the age of 18.

If we are dealing here with the federal Criminal Code, we all know there are real problems in terms of treatment for adults who are



perhaps not mentally incompetent or mentally insane under the McNaghten rules but nevertheless clearly suffer from psychiatric problems. There is an enormous problem in terms of the adequacy of treatment in our federal correctional institutions.

#### 1600

We face an even more troubling array of problems when it comes to young people because people can end up in care for a variety of reasons. If we were to have the kind of public inquiry which I hope there will be a growing consensus is needed, I think that inquiry will expose what all of us have known for a long time; that is, that the current system has grown up bit by bit. There was a move away, in the late 1960s, towards private nonprofit homes of various kinds and descriptions. There has been a failure to look at the overall system and structure now and say: "Okay. What are we as a government really going to take responsibility for? What kinds of standards are we going to set? How are we going to make sure that the three interests are really being effectively balanced and maintained, the interest of the public in security, the interest of the staff in their security, training and development and the interest of the young people there in terms of their own future?"

The system needs direction, the young people in the system need direction and the public needs the assurance that the governments of this country and of this province take the question of security seriously.

I want to suggest that this is sometimes portrayed as sort of a right-wing or left-wing issue. It is not really. All of us have an interest in these three things, and I think all of us on reflection would say that yes, each of these three things is important. When the importance of one of them is lost, the system goes out of balance. We all recognize it. We see it. We saw it under the bad old days when the interest of the kids themselves was completely lost in the process.

I would suggest that we see it now when I do not think the interests of any of the three groups are being served. I do not think you can describe the system now in place as one that is operating in the best interest of young people themselves. Look at the stories that were contained in the very short stories today about those five boys—dyslexic, dropping out of school, tremendous problems at home, tremendous social problems since the time they were born—and ask yourself the question, "Is this system really serving them?"

No, it is not, obviously not, to the point of the tragedy we saw over the weekend. It clearly is not serving the interests of the people who are providing the care and who are working in the system. Finally, it is not dealing with the questions of the confidence of the public. It is to this last point that I want to return.

It is essential, whatever kind of system we devise now—and we do not know when the federal government will move, but one hopes the realization that there have to be some changes will produce some improvements—as we focus on this issue here, it is extremely important that we bear in mind that the public must have confidence in this system. It is essential.

I have been asked questions outside: "What should a young person do who is working in the system? What should a 22-year-old girl do today? Should she turn up for work tonight, if she is going to be working alone?" I must say those are almost impossible questions to answer, but we must find the answers.

If the minister is not going to do a public inquiry, if we cannot get him to do that—but I think we can still put some pressure on him so that he will have to—then I say to him he has to make some changes and he has to make them more quickly than in 90 days. If the minister thinks the public and staff are going to wait for three months while this situation is in limbo, he is sadly mistaken. The steps are going to have to be taken much more quickly than that, to do something immediately to restore the lack of public confidence.

**Mrs. Cunningham:** It gives me some pleasure this afternoon to be able to speak to an issue that I think has really reached all of us this past weekend.

Many of us are very concerned that it takes the tragedies we have sometimes witnessed for those of us who have the responsibility for legislation and for the implementation of legislation and regulations with regard to young people's safety—I think it is tragic that we also should be standing here today, often I suppose because of tragedy—to look at changes that are our responsibility.

To that end, I would like to speak to the changes that are needed in the Young Offenders Act. We are very pleased that the minister has written to the minister at the federal level looking for those changes. We do have some control over what happens to people who are affected as a result of the court system or, more important, to people who we know have been identified as young people who will be affected by the court

systems and therefore are labelled in our society as young offenders.

We have decided that young people who have been in trouble with the law, who are potentially going to be in trouble with the law, should have programs to assist them, both in preventive and rehabilitative ways. We are responsible in this province to make certain that at least an adequate level of programming exists and that these programs exist in a very professional environment which can be as comforting as possible to our young citizens but which is also safe, not only to the people who are in these environments but to the public. It is a tremendous challenge, one that I think we have taken seriously, and that we should be criticized for, because although we have taken our responsibility seriously, we have not always been able to provide the resources.

I would like to make some remarks today to the minister in that I think he has a lot of support from the opposition parties and from the members of the public in this province, the taxpayers and young people alike, for support of an improvement to the programs that we provide. We know that the reality in the system we work in, this democratic system, is that there is a limited number of resources. I guess what we are trying to say to the minister, and ultimately to the government, is that we should be thinking very seriously about how these resources are administered, how the money is spent and just where the money is targeted. If we have a priority in this province at all, it is to protect the future lives of our young people and their families and the public at large. Therefore, today we are in this emergency debate because we think we can do a better job.

I would like to speak to the issue of prevention, first of all. There are many issues related to the results of this Young Offenders Act, to the kinds of things that happen in the province because of that act in the province and the kinds of restrictions that are put on our young people because of their behaviour. A very simple one we have been chatting about and asking questions about in this House has to do with the beginning of all of this, and that is truancy in schools.

We have asked this government if it would come forth with some very specific directions for judges so they can provide programs, so they can say as part of their judgement, "You shall participate in this program." We know that is possible. We do have the authority to do this. That is the very beginning of this kind of prevention, at least as far as public programs are concerned—not families but public—and it begins

at very early ages. I am talking about nine-, 10- and 11-year-olds in our school system who are allowed to be away from school. They are allowed to be on the streets without a program being specified. We are not doing them a service. Yes, I do believe in the rights of young people, but I also believe in direction: direction that would be aimed at assisting them. I think this government could very quickly come up with some guidelines or some directions that judges should use. That is a very specific example of something that could happen.

When we are looking at the group homes, I think anyone who is involved in the administration of group homes right now has a couple of real concerns. One of them has been spoken to already by one of my colleagues today. The minister is very aware of it, and it is a tremendous challenge; that is the inadequacy and the unfairness as to people like that young social worker, in their remuneration, depending on where they work. If they work for a government agency, they are paid a certain amount of money. If they work for a nonprofit group, they are paid a different amount of money. If they work for a commercial group, they are paid a different amount of money again.

#### 1610

I think we should be looking at the value of the job and at paying people for two reasons. First, they are very worth while. They spent a long time trying to become professionals and they deserve to be paid as professionals in very high-risk work.

I think it is worth it to us, not just to people they are counselling but to society as a whole. It has been proved to us over the years, and certainly more recently in these last few months and weeks, that one of the real problems is keeping good people in these jobs. You can imagine what parents are saying this evening at the dinner table when it comes to future professions and where people ought to spend their lives and whom they ought to work with. We really do need people working in the social service field.

I also believe the staffing processes and the staffing regulations should be looked at. The minister stated that himself today. It is tricky; we know it is tricky. But if you have to err on any side, it is on the side of safety for all of us. I think we should definitely be looking at that.

I have one last point on prevention that I think is extremely important. We know we are extremely short of adolescent psychiatrists. When all of us have families who come to our



offices, constituents across this whole province with young people who are looking for help, we just do not know what to say to them when they say, "I've been waiting six months to see an adolescent psychiatrist." We make a phone call and the psychiatrist says, "Truly, I can't move that person up this list." Everybody knows that is a problem.

We also have an extreme shortage of psychiatric nurses and counselling staff across this province. When we are looking at prevention and rehabilitation, we need the resources.

If we can say anything here today, we plead with this government to take a look at the effectiveness of its programs, to take a look at any rules or guidelines that can be of assistance. Yes, they may cost more money but one has to look at the effect of not doing it. If we do not have prevention programs, we will spend a lot more money on people who will be institutionalized down the way, who will be involved in even more serious crimes and in fact in the court system which we will experience as a result now of these two tragedies this weekend. It is a very expensive process in the courts.

I would like to support very strongly a public judicial inquiry into the administration of the Young Offenders Act, because I think there are many experts out there and day-to-day workers in the field who will come forth and give us some extremely important suggestions for improvement and for changes. Young offenders themselves may come forth.

I can only speak on a personal note to say that I have visited group homes across this province in the last few weeks and months. They have told us what they would like to have in the way of programming and they have told us why they are there. They have told us they want to remain in school with their friends.

There are many program improvements they themselves can share with us, and I think that will be a more efficient way of providing for both preventive measures, protective measures and rehabilitation measures. I support this debate this afternoon and certainly the public inquiry as suggested.

**Hon. Mr. Ramsay:** We speak in the House today as a result of the two tragedies that occurred this weekend. It has been noted by earlier speakers that there is a very sombre mood in the House today, one I probably have not sensed for a very long time.

I think that obviously comes from the grief that has resulted from these two tragedies. It is not only we who feel that grief, but all those of us

who work in the criminal justice system. If I may be allowed to, I would like to express condolences to those people who suffered loss as a result of these tragedies this weekend, from all of us in the criminal justice system because we all feel it.

Today I would like to speak to the act we are debating this afternoon. I would like to talk a little about the Young Offenders Act and its philosophy, and also make some comments on behalf of the government of Ontario on where I think we should be moving with this act.

As we all know, the act is federal law and it is up to the provinces to administer this law. The Young Offenders Act for 12-year-olds to 15-year-olds came into effect on April 1, 1984, and for 16-year-olds to 17-year-olds on April 1, 1985. It is the Ministry of Community and Social Services that administers young offenders from 12 to 15, and it is the Ministry of Correctional Services that administers young offenders from 16 to 17 years old.

The Young Offenders Act represents the legal response to changing contemporary knowledge, cultural values and attitudes in respect of young persons who come into conflict with the law. It reflects the belief that young persons are capable of individual thought and responsibility and should therefore bear responsibility for their illegal actions. The act further recognizes that young persons are different from adults in that they are less mature and more dependent on others.

For these reasons, young persons should not be considered to be the same as adults and should be given the necessary supervision, discipline, control, guidance and assistance commensurate with their identified needs. The act emphasizes the involvement of young persons in decisions affecting them as well as the importance of the family to the development of the young person.

The primary mission of the Ministry of Correctional Services is to provide custody, community supervision and information reports as directed by the courts and as provided in federal and provincial legislation governing correctional services in this province. With respect to young offenders, the ministry is providing a continuum of care and services necessary to afford young offenders the opportunity to assume responsibility for their actions and to enhance their capacity to function in a socially acceptable manner.

The ministry brings to the implementation of the Young Offenders Act fundamental principles that guide all of its operation. These include: Any aspect of service of intervention on the part of

ministry staff is regarded as one aspect of a larger continuum of care resulting in ongoing assessment, classification and program planning; all services are provided in a positive climate to engender positive personal and social adjustment on the part of young offenders through ongoing staff training and development; the use of incarceration is perceived to be a sanction of last resort; the least interference possible is exerted upon young offenders in order to provide them with service and/or assistance; the quality of services provided is monitored on an ongoing basis through program review and evaluation; the ongoing involvement and participation of the local community in the care of young offenders is ensured.

The focus of this ministry is habilitative, and where appropriate, rehabilitative. We attempt to improve the capability of young offenders to function in an acceptable fashion within the ministry and within society. But this is not a perfect act and we believe improvements are possible. On some of those, we have already notified the federal government of our intent to seek changes, and we hope in the future we can work together on those improvements.

Since the passage of the Young Offenders Act, the government of Ontario has been requesting that the federal government undertake amendments to the act which facilitate the protection of the public, while at the same time promoting the rehabilitative nature of youthful offenders. Specifically, the government of Ontario has advocated the following significant changes.

We need a single level of custody. Currently, youth courts determine whether young persons are placed in secure custody or open custody. This results in a system of placement that is rather inflexible and at times inappropriate. The government of Ontario has proposed that the Young Offenders Act be amended to provide for a single level of custody. Under such a proposal, the custodial authority would be able to ensure an appropriate placement, having due regard for the protection of the public and the interests of the young person.

**1620**

My colleagues the Attorney General and the Solicitor General (Mrs. Smith) have been pressing the federal government for amendments to the act to facilitate the transfer to adult court of young persons charged with serious offences involving violence or to increase maximum young offender disposition length for serious violent offences.

One of the many difficulties in this area has been the reluctance of youth courts to transfer young persons to adult court, given the stated lack of programs for young people in federal penitentiaries. The federal government has commissioned a study of the appropriateness of the current transfer and sentencing provisions, and we have urged this process be completed as quickly as possible and the necessary amendments introduced.

Ontario has also expressed concern to the federal government over the past few years about the provisions of the Young Offenders Act relating to mentally disordered young offenders. Of special concern are the provisions that permit young disordered offenders to refuse to undergo the necessary and appropriate treatment. A number of proposals are currently being reviewed to develop better ways to deal with youths who have committed offences as a result of psychiatric problems.

My colleagues the Attorney General and the Solicitor General have expressed concerns that young persons under the age of 12 are excluded from the Young Offenders Act no matter what their conduct. Ontario has advocated mechanisms to permit selected individuals under the age of 12 to be dealt with by the youth court if accused of serious crimes of violence.

The provincial solicitors general had a number of concerns relating to the strict statutory rules preventing the disclosure of information that would identify young offenders. Many of these concerns were shared by my ministry. Some of our suggested amendments were implemented by the federal government in 1986 in Bill C-106. However, significant concerns remain over whether the act contains significant latitude to ensure the protection of the public. We continue to press for further changes in this area.

Ontario continues to press for changes to the Young Offenders Act. However, we are concerned over the length of time taken by the federal government to review these matters. Notwithstanding the lack of action by the federal government, we will continue to urge amendments to the Young Offenders Act to ensure that the correct balance of interest of youth in Ontario and the wider public interest are taken into account.

I would like to close by reviewing some of the facilities and some of the programs we offer to young offenders 16 and 17 years old in this province. We have young offender facilities that range from secure custody facilities throughout the province to secure detention to open custody



residences, probation and parole services. We have a total staffing to take care of young offenders in this province in this age group of 1,159 people.

We think the structure for care, supervision, treatment and rehabilitation of young offenders is adequate in this province for our 16-year-olds and 17-year-olds in the 15 detention centres, the eight custody centres and 123 probation offices that supervise our young offenders in this province.

In closing, I would like to say, as has been related by many of the speakers earlier—I was very touched by some of the remarks from members from all sides of the House—that what is very important as we work to improve and reform the criminal justice system in this country, as we can see from the tragedies that have occurred this weekend, is that it is incumbent upon all of us to work and to strive to improve the social justice system in this country, because through improvements to the social justice system we will be able to build a fair and just society, and therefore be able to cope in a criminal justice way.

**Mr. Allen:** It gives me no pleasure to rise and participate in this debate. I am afraid all of us carry a heavy burden with us this afternoon and have over the weekend and will in succeeding days. That is certainly true of ourselves; it is true of the minister; it is true of his colleagues; it is true of the minister who has just spoken; it is true of the third party, and certainly it is true of the public.

The minister is not alone when he says he has children in his family of the age we are referring to. I also have a niece who works in a facility of this kind. Her parents have often asked me questions about whether it is safe and what they can expect. I have not dared to call them over the weekend and ask them what they are feeling at this moment; I just have not been able to do that.

We also know that our families go in different directions. One of the real tragedies and ironies of this situation is that Krista Sepp comes from a family that went down both sides of the street. Krista Sepp derived her great impulse to work in this kind of home with this kind of young person as a result of the experience of a brother who had got off on the other side of the street, who was in deep trouble and who might have found himself more seriously afoul of the law than he had at that point in his life when he was murdered.

I think when any of us look at the question of young offenders, the act, the circumstances and the institutions young offenders find themselves in, we have to sort of feel our way to both sides of

the street in order to get a bearing on our feelings, because our kids can go either one of those ways. They might be subject to the Young Offenders Act or other criminal legislation, or they might be subject to employment in the institutions that attempt to help those young offenders and get into that encounter where the risk occurs.

I want to stress that fact as we look at two things together, the Young Offenders Act on the one hand, and on the other the institutions that the young people who come under the act's jurisdiction frequently end up in. As well, those young people who are emotionally disturbed or disabled and find themselves in group homes are occasionally mixed in with young offenders.

I am glad the minister was here to speak to the Young Offenders Act. I do not want to spend a lot of my time speaking to that point, but certainly none of us wants to return to an earlier era of apprehension and treatment of juvenile delinquents. All of us want to see justice for our young people, just as we want justice for ourselves as adults if we happen to be involved with the justice system in a minor or major way.

We all want to see their rights respected. We all want to see community-based rehabilitation. We know that is best, but we also know we have to ensure there is public confidence in all that goes on in the name of the law and in the name of social service institutional care, because without that public support we cannot advance very far down those roads.

There are moments like this when we feel some repairing needs to be done, and it is important that the Young Offenders Act, among other things, be looked at carefully. It is of course under review in certain aspects already. Perhaps the public is not always aware of elements of the act that in fact do permit requests for information to be transferred on a discretionary basis. Young people in the older category can sometimes be tried in other settings and in other ways, depending upon the severity of the crime and so on. There is some latitude in the act even as it stands.

I want to emphasize that a very critical question we should be addressing in this context is the resources we put at the disposal of families that are at risk in the first place. I want to remind the minister of a study that he knows well and that we should bear in mind at this point, and that brings us back in the domain of the Thomson debate around poverty, the relief of poverty and income maintenance.

We know that children who are poor, children who are in welfare homes end up with massive

psychiatric problems. There is a poor school performance rate in those families: 40 per cent for young men and 28 per cent among the young women. That leads on to all kinds of other problems in life. We know that out of poor families come all sorts of high-ratio learning disabilities and greater degrees of illness, problems that do not afflict children in other walks of life. Out of that come the kinds of emotions and attitudes that produce the world of delinquency for them. Therefore, it is critically important, when we look at this kind of issue, that we realize that fundamentally we are dealing with a problem that is overwhelmingly also a problem of poverty and poor people, and the necessity of addressing that issue.

**1630**

At the same time, the irony is that when persons who find themselves on the other side of the law and find themselves under the jurisdiction of the Young Offenders Act, having perhaps been incarcerated and then come to a group home, find themselves with fewer resources disposed to help them when they are in the group home than at earlier periods in their apprehension under the law. That surely ought not to be.

Surely the transmission finally in the community setting ought to be equally well resourced, so that it can play its part in the transmission system that delivers them back into community living as fully participating young people and adults.

We know also along the way that if they have been, for example, in the hands of a children's mental health centre, they will be in another transfer agency that does not have the resources to deal with them adequately. In this House I have spoken of West End Creche, where the turnover in staff is appalling and where the income levels are at no commensurate level with the training of the people involved.

Children are dumped into those places by psychiatrists who refuse to look after them. It is not just the shortage of child psychiatrists; generally speaking they do not want to treat children and those underfunded agencies have to look after those kids. The kids often wait for months to get into them and the families go through hell waiting to get them there.

When we are into this question, we are into the whole range of transfer agencies that receive low funding from the ministry. The minister has said that he has asked for subventions from the Treasurer (Mr. R. F. Nixon) in order to deal with that question, but that does not put the question to one side. It tells us the minister is trying to do something in the context of government, but

what it also tells us is that the minister, in solidarity with the cabinet—because we know that there is such a thing as cabinet solidarity, or I understood there was—has to bear that responsibility that in fact he has not been able to get that money, the transfers have not been made.

Therefore, we are in situations in the groups homes in question where, as I said in my opening defence of an emergency debate, because of the turnover 50 per cent of the staff are on probation; recruitment is incredibly difficult; pay is poor; turnover is high, and training costs are inordinately high because it is necessary to retrain and retrain in the context of in-service training. As one goes through the whole problem, one discovers a fundamental responsibility that the ministry and the government have in terms of the support of these institutions to make them function properly.

The minister has said that he has a review. I can only say to the minister that this is an emergency that calls for more than just the establishment of reviews. I have to ask him, if he is going to be replying at the end of this debate, what he proposes to do at this point in time. Will he, for example, provide a new regulation immediately that will require that, at least for the interim while the reviews are under way, there will be no fewer than two persons in charge and present in a home at any one time so the public can at least rest somewhat assured that the issue will be handled at that level?

Second, will he also provide the transfer money that will be necessary to those institutions in order to maintain that additional staffing? In the interim some action is necessary. The review, for the moment, is not enough.

**Mr. Sterling:** I have had some experience with regard to young offenders' legislation in my former role as Provincial Secretary for Justice. In February 1982, Robert Kaplan, then Solicitor General, brought forward the Young Offenders Act after a long period of consultation, but evidently did not follow any of the suggestions of the many provinces which had put forward suggestions for the Young Offenders Act at that time.

I only want to point out that particular fact because this is a complicated area of law. It involves basically two jurisdictions: the federal jurisdiction making the law and then the province trying to implement that law which has been put down upon it by the federal presence.

We found in 1982, dealing with Mr. Kaplan and his bureaucrats, that he was not willing to listen long enough and hard enough—particularly



hard enough—to Ontario when he forged the Young Offenders Act at that time. When I went back today and read my presentation on behalf of the Ontario government to the standing committee on justice and legal affairs on February 23, 1982, it is interesting that we talked about many of the problems which are there today. We talked about the whole problem of setting the age at 18 years without looking properly at the other aspects of the Young Offenders Act. I refer to issues like the definition of secure custody and open custody.

Our party has called for a public inquiry. Quite frankly, I am not certain whether a public inquiry is needed, but it is certain that some avenue, some method of discussion is needed above and beyond what we are doing this afternoon. While the government has stated that it has made submissions, and I heard the Minister of Correctional Services (Mr. Ramsay) heap some scorn on our federal government with regard to its not acting on that matter, there has been little opportunity for members of this Legislature to talk to the people who are implementing our Young Offenders Act in Ontario today.

What is so disheartening in one regard in this whole matter is that this is not the first time this issue has come to the fore. Perhaps this is the time, in losing six young people over the past weekend, that it has come to the fore with such an impact. But as short a time as two weeks ago, members may remember that I asked the Attorney General about his concern in a case where six Brampton teenagers kidnapped and gang-raped a 14-year-old girl in November 1986. The Attorney General was denied the transfer of those particular individuals to adult court.

Evidently, all those individuals who were young offenders at the time the crime was committed are now 18 years of age or more. We pointed out to our colleagues in Ottawa in 1982 that there was a difficulty in transferring young people under the Young Offenders Act into adult court in that we could not predict what judges would say when that request was made. What happened with regard to that particular case, about which I asked a question in this Legislature two weeks ago, was predicted as far back as 1982. We expressed our concern in 1982 over the maximum sentence of three years for individuals and control of those individuals after the three-year term was up.

#### 1640

Another concern we had at that time with regard to the Young Offenders Act was the fact that the government's stated intention was that

young people should not be imprisoned as long as they were under the existing system, where at that time everyone who was 16 years old or more was tried under the adult court system. We stated very clearly that we thought the exact opposite would happen. In fact, that is what has happened. Under the Young Offenders Act, more young people are finding themselves in secure custody than ever before. Therefore, the whole intent of the Young Offenders Act and the age of 18 as the qualification for the Young Offenders Act, I think, is in question.

The second major concern we indicated back in 1982 was our concern over the flexibility needed for open and secure custody and the ability of the corrections system to allow a greater degree of freedom for those who were progressing as they went through it. That has not been achieved, as I understand it, at the present time. In my opinion, our adult system of justice is better than our young offenders system in that regard.

The spate of serious and violent crimes which we have witnessed in our province over the last six or eight months, or heard about where these particular individuals were brought to trial, has brought to the fore the realization that while we have pegged the age of 18 years as the age when adulthood takes place, and people under that age are minors, we still have not come to realize in our laws that people who commit crimes at the ages of 16 and 17 have to be dealt with in a serious manner by our society.

I hesitate to say this, but it is still my opinion that we made a mistake in 1982 in changing the age from 16 to 18 when dealing with young offenders under this piece of legislation. People, when they are 16, are given the responsibility and privilege of driving automobiles. We trust them to make reasonable decisions in doing that.

When they are 16 and 17, they are usually of a physical size where they can commit significant and serious crimes. If I have made an observation over the period of time in which I have been a parent and a representative, I believe that 16-year-olds and 17-year-olds are now probably much more worldly and sophisticated and have better access to information that would allow them to be involved in crime.

In winding up, I would like to say to the government members that if they say to us that a public inquiry is not adequate or not satisfactory to them, I do not think they can hide it in the closed rooms of the cabinet. I do not think they can hide it in terms of the policymakers in their ministries. I really believe that if they want to

have a reasonable, logical law, they should refer it at the very least to a committee like the standing committee on administration of justice or perhaps a select committee and let that committee call in the people and have a talk with them. Maybe they will get some reasonable suggestions so that we will have a better Young Offenders Act in the future.

**Mr. Offer:** I rise today to speak on this matter, which is of great urgent concern. The tragic events of this past weekend and of years past have resulted in a series of difficult and vexing questions. We as legislators, as persons with our own families, as representatives of our community, are called upon in a very fundamental way to re-examine and reassess not only the needs of the individuals but also the needs of the community and indeed of society at large. We as legislators are called upon to revalue and reassess the whole question of the balance between the need to rehabilitate and the need to protect.

I would rather—and it is trite to say—not have to stand today and keep in mind the tragedy of the past weekend. I would rather those events had not occurred, and I speak about those as one who was on Highway 401 travelling to Kingston with the member for Yorkview (Mr. Polsinelli) and passed the scene of the tragedy. As I speak today, I keep in mind that awful scene we saw as we passed.

We are dealing with a confidence of the public in dealing with the young offenders. We are dealing with a question of whether the public at large believes that we as legislators are called upon to make that decision as to whether the Young Offenders Act does in fact meet the principles for which it was designed, and I think that we have to make that decision.

As I have heard all members say, and I support what all members have said today, I think that we do not want to go backwards, that we do support the principles of the Young Offenders Act: first, the right of society to be protected from the illegal behaviour of young persons; second, the need for these young people to be accountable for their actions; third, the rights and needs of the young people themselves.

I think this Legislature has in its comments to date indicated that the Young Offenders Act is important, it must be preserved, it must be improved, but we do not want to make one large step backwards, as we did under the old Juvenile Delinquents Act. As best we can as legislators, we want to make certain that the principles as enunciated by the Young Offenders Act are able to be carried out. It requires a reassessment and

an evaluation. It requires us as legislators to make certain as best we can that those principles are carried forward.

When I speak today, I speak not only as one who passed that scene but also as a father of three young girls, none of whom is yet over the age of nine. We want to keep in mind whether the Young Offenders Act is there to protect not only your own particular family but, of course, society and the community at large.

I think the principles enunciated in the YOA are important; they are fundamental and must be preserved and we as legislators must do the things that are necessary in terms of making certain that those particular principles are carried forward.

When we have made the decision that we want to maintain the YOA, that we want to carry forth those principles, we must also state that the incidents of the past while have resulted in an erosion of confidence in the implementation of the act. We have to say: "Well, then, we have the responsibility. What can we do, as persons duly elected, to make certain the implementation of that act best serves the needs of those for whom it was implemented, those who find themselves within the youthful offender milieu, and those also of society who find themselves in demand of protection?"

There are things that can be done. We have heard today from the minister of the review with respect to the security measures in place at all secure detention centres. We have heard of the review in terms of staffing guidelines and facilities. This is necessary and it is one on which he expects to receive the report, as he has indicated, within 90 days.

#### 1650

There is also a change to the Young Offenders Act that can be done through the federal area. I know the Attorney General since 1985 has indicated to the federal government that the maximum penalty presently allowed or available under the YOA must be changed. It really is not consonant with the public's perception as to what should be available in terms of sentencing, with its perception that there is the necessity for a greater flexibility in terms of sentencing, that there must be an increase in the maximum disposition available under the act and that this is necessary to make certain the act meets the needs for which it was designed.

On the one hand we must give to those who dispose of these matters flexibility in terms of sentencing, while on the other hand we must make certain the whole thrust towards rehabilita-



tion is not diminished. We must make certain those who find themselves youthful offenders have their needs met in terms of rehabilitation, in terms of being able, in many ways, to change the track, the path on which they initially set out. That is something we must continue to do.

I think the efforts of the Ministry of Community and Social Services, not only today but in the past, continue to work in that area of analysis, of making certain that those persons who need help get that help. We must maintain that balance. We must maintain the balance of not only meeting the needs of individuals but also of protecting society at large, the communities we all live in.

I think this type of review is obviously necessary. It is one I feel will start rebuilding some of the erosion of confidence that has happened, certainly this past weekend. I think we, as legislators, must make certain that type of review continues, that it is a clearly evolving and ever-changing process, so we can meet the needs not only of society at large, not only of the communities, but also of those who find themselves within the process.

As I indicated at the outset, it would be better if the events of the past weekend, of course, had not happened, but we must, as legislators, meet the concerns of the people of this province in as determined, committed and forceful a way as possible. These reviews take us along that path.

**Mr. Reville:** There are some issues on which it matters very little that this government is drifting. For instance, it has not hurt me at all that I have not had to go out and shop all day Sunday, and the fact that this government has taken a year to rush that issue through the House does not cause me any concern.

This is not one of those issues. This is an issue on which there has been drift for many years. The tragic occurrences of last week are not a coincidence. The conditions for those tragedies have been there for a number of years and in fact there have been other tragedies because of the government's lack of determination and commitment, as the member for Mississauga North (Mr. Offer) would put it.

If we consider the events of the past week and think of the grief, rage, despair and fear that those events have engendered—we have listened this afternoon to a very sombre Legislature try to grapple with the elements of these tragedies, and for the most part, try not to set up straw men to knock down but to look at the real problems in the system—we cannot help but go back to what is an almost unimaginable body count.

We have seven young people dead in a week, six of whom were in the care or were supposed to have been in the care of this government. I do not know whether members of the Legislature have included in their recounting of these tragedies the young person who last week eluded staff at an open custody centre and killed himself. That is another young person who has died and I submit the person has died because the government has not adequately organized, planned and funded the response our society should be making to young people in difficulty.

The member for Mississauga North has talked about the Young Offenders Act. He has said it must continue to be supported, or the principles behind it must be supported. I think that is what he said and I certainly agree with that.

If you want to speak about the record of the Attorney General on this score, there has been no question the Attorney General has been a foe of the Young Offenders Act for three years and some months. He did not like it in spite of the fact it is both a large-L Liberal and a small-l liberal piece of legislation.

The principle of that legislation is, how do we keep young people from being hopelessly enmeshed in the criminal justice system? We all know that once that happens, the chances of becoming a hardened criminal seem to go up in a way that should make us all ashamed, but we know that is the case.

As one of the politicians who has gone to the wall time and time again to defend the concept of care in the community and who has stood trying to keep his face immobile while the howling ratepayers want another group home not to open, I feel personally betrayed by this government.

There is a proposal I am supporting even now in my community for an open custody home, which I will continue to support, but I am going to have a hard time in the face of the anxiety, rage and fear that might legitimately be expressed by communities confronted with fostering in their own community a system they do not have much confidence in.

**1700**

There are a lot of kids out there who need help. There are a lot of kids out there who need help who used to be dealt with, sometimes horrifically, in other systems: in the training schools, and I am glad they are gone; in the institutions for the developmentally delayed, and I am glad they are gone. But we have not been able to put in place systems to pick up the slack left behind when the training schools disappeared and when many of

the institutions for the developmentally delayed disappeared.

We have young people—an increasing number of young people, I would submit, as the underclass in our province continues to grow—who will be in need of very relevant help. The best place for them to get that help clearly still is in the community, but it has to be done with a lot more care than it has been done in the past.

My leader today talked about the three objectives, and I do not think they are much different than the three objectives mentioned in the last speech, by the member for Mississauga North. We have to get timely help to the kids who need it; we have to make sure the care givers can give that help in an atmosphere that fosters help and creates security for the care givers, and of course, we must protect the public.

We will hear, I regret to say, in the next few days and weeks some howls from the right who will light with unseemly glee on some of the details of some of the circumstances of the past week and of the past few months. There will be a cry to return to secure custody, to institutions, to any form of response that means people are taken out of society and not returned. That would be the wrong response. I know we are not going to get that response from this government, but we are going to have to get more, and more quickly, than the response today of the Minister of Community and Social Services has indicated we are going to get.

Yes, we need to get the care givers together and find out just what it is that is facing them on the front lines, but let's be fair about this. In everybody's pile of mail, there is a historical perspective of some of the overtures that people in the detention home business have been making to this government ever since it was in place. It outlines for us chapter and verse what kinds of concerns have been raised and the lack of response that has been received from this government.

I would like to say again, because it goes to the same minister, that one of the great and wonderful preventions that could happen in this province would be the implementation of George Thomson's report. I do not expect there is a soul in this Legislature who refuses to believe in 1989 that the connection between poverty, malnutrition and dismal opportunity and being in trouble is an absolutely direct connection, and that the expenditure of the funds required to implement the Thomson report will take pressure off the open custody department of the Minister of Community and Social Services, and take

pressure off the health system of the Minister of Health (Mrs. Caplan) and off the correctional system of the Minister of Correctional Services.

This is an emergency. The government must move to solve it.

**Mr. Jackson:** Like all members in this Legislature, I am saddened that the circumstances of this tragic weekend for six youths of this province have caused today's debate in the Legislature to even occur. I share with all members the statement made by the minister with respect to his concern for this tragedy, in the hope that we as legislators, in our process of building a better society, can do whatever is in our power to prevent its recurrence.

I welcome the minister's call for his review and I know this is not a new request by the minister. As all members of the House are aware, the minister has held this responsibility in Ontario for a little over four years now. He was also an outstanding critic of the preceding government in this area, given his long-standing interests in the matters relative to his ministry.

I come from Halton. Like many members of the Legislature, we have some reference point to the Young Offenders Act. We have an institution in Halton called the Syl Apps Youth Centre and it has not escaped public interest in the course of these last few years. Currently, the minister has indicated to the press that he is reviewing several matters that have been brought to his attention about the circumstances at the Syl Apps centre.

These are matters with respect to students who have been fleeing custody, who have broken custody and fled the community; with morale problems with the personnel; with a tremendously high staff turnover; with burnout, and with all those problems associated with the rather unique and challenging circumstances that corrections officers and treatment centre staff are involved with in their daily activities and their supportive work in these institutions.

Although this review today was announced in the House as a blanket statement, it should not go unnoticed that the minister has engaged to a degree in an ad hoc approach, where circumstances have inflamed themselves and perhaps got out of control in the presence of the media, and therefore he has been called to act.

I was disappointed today in the announcement by the government from one perspective, in that the government's review is limited to the correctional institutions and the kinds of work with respect to young offenders, and that this narrow focus of the minister's review does not take into account other circumstances in Ontario



where civil servants and other persons assisting in the social service network in this province are at risk.

I bring to the minister's attention something we raised with him during the recent estimates of his ministry, when we indicated there were legitimate concerns in response to actual murders occurring at interval houses in this province. There are the tragic circumstances of wife beaters who have attempted to break into these halfway houses or homes for battered women.

Aside from the problems they have experienced with underfunding, with overcrowding and with being unable to provide all the necessary spaces, having mentioned all of those concerns which the minister is aware of, the number one concern these people too have indicated consistently to this government is their concern with respect to security in these situations—security of the building and security of singular supervisors. As members can well imagine, we are talking almost entirely about women personnel being involved in these institutions in a supervisory capacity. The request has been made that this be taken more seriously by this government and also that this government review the funding circumstances which lead to such limited personnel in these institutions overnight and, in some instances, during the day.

**1710**

I ask the government if it also would consider broadening its mandate to include this legitimate question about the security of those volunteers and staff members involved in Ontario's interval houses and shelters for battered women and families.

I was concerned that on at least three occasions in the last week, the government has made references to calling on our federal government to amend the Young Offenders Act. I am concerned, not because I do not agree with the government and the minister that the Young Offenders Act requires amendment, but I am disappointed that there are so many points within the Young Offenders Act on which the minister here in Ontario disagrees with the interpretation of the minister in Ottawa, our Minister of Justice.

There have been many incidents in the last several months with respect to the Young Offenders Act which have borne out as testimony to the government's unclear understanding of its power and authority of this act, but it is my understanding that when the Young Offenders Act was brought in by then Prime Minister Pierre Trudeau, it was an effort, among many things, to provide provinces with a certain amount of

autonomy and that autonomy was set out for them clearly in legislation.

As I said earlier, coming from Halton, we are no strangers to concerns with respect to the Young Offenders Act. There has been much in the media of late with respect to the circumstances of the release of a triple murderer.

The community and the media and members of this House have raised legitimate concerns about the government's ability to interpret this legislation. As I recall, in a Toronto Star article of January 31, the minister said that the killer's records must be kept confidential for five years, and yet when you look up a certain section within the act, it is clear that within the scope of the act, the records can be released for up to five years. That is provided for in section 44.1, an apparent contradiction in terms of the way the government reads the legislation and the way the federal government states that the legislation empowers the minister to do so.

The fact is that rules for disclosing any information are set out in section 46 of the act and that no information is to be divulged, "except as authorized or required by this act," and it goes on to say that there is a penalty of imprisonment if it is not followed. But there are exceptions to the general rule as set out in section 44. One of these is found in section 44.1(1)(h), which I raised in the presence of the minister in this House, which gives access to court records to "any person, or person within a class of persons, designated by the Governor in Council, or the Lieutenant Governor in Council...."

This is why the community is confused, when a week ago Sunday the minister said he could not tell the police anything at all about the identity of an individual until after five years have expired and then, after two days of questioning in the House, the minister indicates that he now has informed the police.

I guess if the minister is going to engage in an examination, as he stated in the House today, the minister should be examining as well the kind of legal advice he is receiving, whether he gets it from the Attorney General, and if the Attorney General is not present some other noted barrister within cabinet, or if it is his own ministry barristers who are giving him legal counsel. That too should be examined: why we have differing reports—

**The Acting Speaker (Mr. Polsinelli):** Order. The member's time has expired.

**Mrs. Fawcett:** I too wish to offer my sincere sympathy to all families of those who were involved in this weekend's tragedies. It has

indeed made us all do some serious thinking, and I commend the minister for his statement. But today I would like to talk about how we in Ontario deal with people, particularly young people, who have contravened the law.

In my riding, the Brookside Youth Centre is operated as a secure-custody institution under the Young Offenders Act. This legislation came into effect for young persons aged 16 and 17 years on April 1, 1985. Responsibility for the care and supervision of young offenders in Ontario is divided between two ministries. The Ministry of Community and Social Services looks after the younger age group, from 12 to 15 years, while the Ministry of Correctional Services is responsible for the 16- and 17-year-old age group.

Members may be interested to know that young persons under correctional supervision in the community are commonly required to take part in community-service-order programs or to make restitution to the victims of their offences. As a matter of fact, last year alone nearly 98,000 hours of unpaid community service work was performed by young offenders under the orders of provincial courts. In addition, more than \$216,000 was paid back to victims of offences committed by young persons.

I believe that all members of the public need to be aware of how we, as a society, deal with our offenders. To broaden my awareness, I have recently toured the Brookside Youth Centre in my riding. During my visit to Brookside, I saw the educational component of this facility, which is designed as a secondary school administered by the Northumberland and Newcastle Board of Education.

Residents who are enrolled in high school programs in the community prior to coming here are able to continue their studies in a wide range of academic subjects. Vocational training is also offered and there is special emphasis on recreational programs: sports and fitness, arts and crafts and leisure-time activities all have a place in the development of young minds and bodies. In fact, personal development is, in a nutshell, the aim of correctional programs offered to young offenders in institutions of this type.

Young offenders learn the skills, the knowledge and the perspective on their own lives that can enable them to carry on in ways that are acceptable to society once they are released. For some, the critical factor may be acquiring the ability to read; for others, it may be coming to grips with an alcohol or drug problem or learning to control an aggressive temperament; for an alarming number who have come from homes

wrecked by abuse and neglect, the needed ingredient may simply be a sense of self-respect and self-worth.

Brookside and indeed all of the young offender facilities are staffed by competent, caring individuals with a strong sense of the needs and sensitivities of young people. In addition, they are supported by dedicated volunteers who give freely of their time and talents. At Brookside, there are nine such people who come in on a regular basis, assisting these young people with remedial reading and mathematics, helping out with recreational programs or guiding young people with special problems through such organizations as Alcoholics Anonymous. Volunteers at Brookside and in correctional services throughout the province add strength and credibility to the programs we offer and real hope to the likelihood of rehabilitation for many of these young people.

In the final analysis, the way we treat those who have broken society's rules—whether with compassion or scorn, whether with interest or apathy, whether with concern or neglect—will have a direct and irreversible bearing on how they behave when they are inevitably released back into our communities.

#### 1720

**Mr. Farnan:** I want to address the areas of the protection of the public, protection of the staff in open- and closed-custody facilities and the provision of programs of rehabilitation. I want to concentrate on the area of health and safety in the workplace.

As an educator some years back, I worked in a young offenders facility and experienced a situation where I was accosted by six or seven young offenders. I was locked in a room while the offenders took off. It was a very scary experience and certainly affected my work in that facility for the two years I was there. As a result of this, a backup social worker was assigned to the classroom situation in all cases where there were teaching staff.

I recall another incident where a young offender, wielding a metal bar which he had ripped off the wall window of the facility, was on a rampage, threatening the facility itself and also threatening the staff. It was a nasty situation. The only solution was to open the door and allow that young offender to take off and then have the police apprehend him.

I point out these two incidents because of the kinds of stress that people who are involved in this kind of work are under on a day-to-day basis. I believe the stress of people working in the



correctional system is the highest possible level of stress on a day-to-day basis. I see it as a stress level in excess of that of those who are employed as police officers or firefighters. Therefore, I believe we have to address that kind of situation and provide means to alleviate it.

In that context it is difficult for me to view a situation where a young, inexperienced worker would be left alone in an open-custody facility, given the background we have heard in the House, where a warning was issued as to the potential dangers that could occur, and these cautionary measures were removed after a week. But to have a young, inexperienced worker alone at night in an open-custody facility, obviously is unacceptable.

My concern is not only for the staff but also for the youths themselves. In the last couple of weeks, it has been reported to me that in the Metropolitan Toronto West Detention Centre we have had incidents of 300 to 400 assaults per year by young offenders on each other. This again is something that contributes to the extraordinary tension the staff must work under: to be involved in a situation where they may have to protect themselves or may have to protect other people in their care in a constantly hostile environment. It is something that needs to be addressed.

I questioned the minister last week in terms of the security in open-custody facilities in the province. I drew to the minister's attention my concern that with the low wages—individuals earning over \$10,000 less than their counterparts in the public sector—there was very low staff morale and an extraordinarily high turnover—100 per cent turnover in a year—and that this in itself represented a security threat to the workers themselves and to the community.

In response, the minister said: "I would not accept the premise the honourable member's question is based on, that there is inadequate security. In my judgement, that is not the case.... I will not concur with him that we have a security problem in those facilities. I have visited them. I have been in contact with the members...I have certainly not seen any evidence that there is a security problem."

I think when we talk to individuals who are involved in open-custody facilities, we know, in fact, that there is a security problem.

The minister today, in his remarks in the House—and I would like to go back to a couple of these—talked in terms of the Young Offenders Act, in support of it as a better manner of operating than the Juvenile Delinquents Act. I concur with the minister. The act is basically

good and the spirit behind the act is good. The minister went on to say, "I do not think we have given as much attention to protection of the public as we should." I agree with the minister.

This is very different from the minister's answers of just one week ago. I think there is a very distinct difference, and I do not think we can send out conflicting messages and remain credible. Last week there was no problem. Today there is a problem and the minister is going to report back in 90 days. I believe that a public inquiry is necessary. It is not good enough to report back in 90 days while individuals man these facilities on occasion singlehandedly.

In the time that remains to me, I want to talk very briefly of the necessity for public or community support for these open-custody residences. During the estimates debate I made this remark: "One thing is for certain"—and I am talking in terms of having open-custody facilities in residential neighbourhoods—"Resolution of these difficult matters will not come about by osmosis. The ministry cannot simply remain a ghostly figure in the background and expect open-custody facilities in residential areas to materialize. The ministry and the government will have to take a leadership role that has been sadly lacking in the past."

It is my belief that this is the reality. It is an unfortunate set of circumstances that tragedy prods us into action. How can we go along to a community and say, "We want to open an open-custody facility in your neighbourhood"? How can we go along to that community unless we give them assurances that the highest possible degree of security will take place within that residence?

The message that is going out to the community is very conflicting. On the one hand, we recognize the absolute need to integrate into the community rehabilitative programs for young offenders, but we can never expect to have community support for this kind of initiative as long as we are not taking every conceivable precaution in order to ensure that there is protection for the staff, for the community at large and indeed for the residents themselves, the young offenders.

As we move into the days ahead, I believe the minister and this government can take one very concrete step that will indicate to the public and also to the staff of these facilities that they recognize the magnitude of this problem. That step is that immediately, in every facility dealing with young offenders, there be a minimum of two staff on duty at all times. I think this is a response

that the community would expect and it is a response that our staff working in these facilities must have.

I talked in terms of health and safety in the workplace. Most of my remarks today have centred on the stress that is involved within these institutions. We can never completely remove that stress, but I think we can take measures to reduce the stress by providing the kind of staffing ratios, the kind of support systems which will lead people working in this system to recognize the fact that we are supportive and we want the best possible system.

1730

**Mr. Runciman:** I have some brief comments with respect to the motion before the House this afternoon. It is a very important one and I certainly want to join my colleagues in expressing our great sympathy to all the families involved in the tragic incidents.

I think I read in one of the morning papers that the Ontario Public Service Employees Union was blaming the government for one of the tragedies, the girl being killed in the group home on a Saturday evening, and was laying the blame at the foot of the government. Personally, I do not agree with that at all. I think that was a knee-jerk reaction on the part of the union.

There is no question in my mind that if there is blame to be assessed here, it has to be on the Young Offenders Act itself; the fact that we have got ourselves into this situation because of a federal initiative. There is no question about that, but at the same time, I believe provincial governments in this country were perhaps less forthcoming than they should have been at the time the act was brought forward.

I know with respect to the government of Ontario that there was certainly resistance for at least two years—the minister made reference to that earlier in the day during question period—and some very serious concerns the government at that time had about this act's impact upon society at large and in terms of the costing formulas and the funds that would be transferred from the federal level to assist in meeting the requirements of the act.

Earlier in the day, I was in my office and caught a brief comment by the member for Mississauga North, making reference to supporting the principles of the Young Offenders Act. I am one of those who would have some difficulty with that and suggest that perhaps it is an appropriate time to go back to square one and look at what the federal and provincial governments hope to accomplish through implementa-

tion of the Young Offenders Act, if indeed there was sufficient thought given to the very serious ramifications we would face as a result.

We talked about the penalty provisions. I know that is a concern of many. We are seeing very clear evidence in the press on almost a day-to-day basis that many young people in society are laughing at the penalties that face them for committing serious crimes in society, the fact that they are looking at a maximum for a capital crime of three years' incarceration and for less serious crimes even less significant penalties; with complete inability of the authorities to reveal identities so that there is a cloak of anonymity, which again removes that societal penalty, if you will, of your name being published in the paper, colleagues, workers and so on knowing that you indeed have been found responsible for a crime. We have removed that element. We have made the penalties very modest indeed.

We see concerns being expressed about the increasing prevalence of youth gangs in Metropolitan Toronto. A Globe and Mail article a week ago made reference to the fact that one of the things spurring these people into formation of groups like this and engaging in criminal activities is the Young Offenders Act itself; that these people are very much appreciative of the fact that the penalties they face are modest indeed.

With respect to the provincial administration of the act, I am not sure whether it is indeed appropriate to have it fall to two ministries. I know this argument was being made back in 1983 and 1984. You seem to have those turf wars in government; they seem to be unavoidable. But I have always wondered about the appropriateness of having a certain group of young offenders fall under the responsibility of the Ministry of Correctional Services and another group, based on age I gather, fall under the aegis of the Ministry of Community and Social Services.

Perhaps it is time, in terms of efficiency, that we looked at having young offenders fall under one ministry. If indeed we are facing some tough times in terms of dollars available for the provincial government for additional staffing requirements and what have you, that may be one way in which additional funds could be freed up to address those particular concerns while at the same time not impacting on the global budget of the ministry with respect to that particular area of concern.

I want to touch briefly on a problem in eastern Ontario which I have raised on a couple of



occasions, and that is the commitment made by the previous government in 1985 to the establishment of a secure young offenders facility in eastern Ontario. A study had been carried out over a two-year period with respect to the appropriate location for such a facility and a decision was announced in June 1985, several weeks prior to the defeat of the government in the Legislature. Subsequent to that, this government has declined to follow through on that commitment and has in fact placed police forces in the southeastern region of eastern Ontario in some degree of difficulty with respect to having adequate facilities to house young offenders.

There is no question in my mind that the decision was a political one. That is indeed unfortunate, because it has, as I said, a very negative impact on policing and the police forces' ability to house young offenders in appropriate secure facilities in eastern Ontario. Of course, I have on a couple of occasions placed on the record, with the Minister of Correctional Services, concerns expressed by the chiefs of police in Kingston, Brockville, Ottawa, Cornwall and Belleville, centres throughout that whole eastern Ontario area, about the fact that there is not a secure young offenders facility within easy commuting distance of most of those municipalities and the problems that is presenting to their police forces.

The member for Burlington South went on at length; he is very familiar with the situation in respect of the Halton region, the concerns in that area and police notification. It seems to me that it is symptomatic of something that has been happening in society over the past 10 or 15 years, and that is the proclivity of politicians to put emphasis on increasing rights in society and a gradual diminution of emphasis on responsibilities to go along with those increasing rights.

We are seeing it certainly in the young offenders area. Concerns were expressed in this House on occasion about the increasing rights for people housed in psychiatric facilities in this province. Among the major concerns which I drew to the attention of the House some time ago were the ability, the right of individuals in psychiatric hospitals to refuse treatment and the definition of competence. It is a general trend, both at the federal and provincial levels, and it should be cause for concern by legislators. It is certainly cause for concern by the general public.

In any event, I want to convey again my sincere regrets and condolences to the families involved in the tragic incidents over the past number of days. Our hearts go out to them.

1740

**Mrs. Sullivan:** I think we all share the feeling of hopelessness over the senseless deaths of six young people this past weekend. The tragic death of Krista Sepp and the deaths of five teenagers who escaped from custody at the York Detention Centre have resulted in serious questions which must be addressed.

The minister earlier today spoke of the questioning by Ontario citizens about the concept of community-based services, particularly as it relates to group homes. Certainly the events of the past weekend highlight that public confidence in our system of community care is critical to its ongoing operation.

We are speaking today in many ways of how we, as a society, are grappling with achieving a delicate balance in principles. We have to consider the right of society to be assured of security and we must also consider the rights and needs of group home residents.

They have a right to live in their community and to expect a level of counselling and support that will assist them in reaching their personal potential or in resolving their personal crisis. It is also important that we try to restore some confidence in the system.

I believe people in whose areas group homes are located must be guaranteed that the homes will be operated with an appropriate level of security, not only for the residents and staff, but also for the community at large. As well, the community has a right to know what category of people will be occupying group homes, whether, for example, physically disabled, emotionally troubled or young offenders.

A report prepared in 1983 for the then Provincial Secretary for Social Development, Margaret Birch, states that the purpose of a group home is to "provide an environment in which people with special needs or disabilities may gain or regain the capacity for full or partial independence. If the group home and its residents remain isolated from the rest of the community, that purpose simply cannot be achieved."

This means residents need to be a part of the community. They need to be able to use the libraries, schools, parks and recreational facilities and other amenities. They need work opportunities and training opportunities in the community as well. Just as a community must be comfortable with its group home neighbours, so must the residents of the home be received as part of the community.

The ultimate goal is to have the group home be seen as just another family in the community. For

most homes, many of the concerns about crime and safety levels, property maintenance, noise and activity and other questions of interest to the community are answered before the home is even established, in the process of approving the home in the community.

Today, we are turning to the system of support that we provide to young offenders. We are looking at the rights and needs of these young people, including retaining close family ties, and that often means living near their own homes. Young people in our care need the benefits of supportive counselling. They need to be involved in community activities that can result in leading more productive and useful lives.

In the past, as we know, secure custody for young offenders in the care of the Ministry of Community and Social Services has been mainly provided by training schools. Many of these were a considerable distance from the offender's home and community. Today, we believe, and I think all members from all parties would agree, that those placed in a community setting, given the appropriate supervision and support, can be helped to deal with their personal problems and their attitudes and be assisted to lead more productive lives.

The activities of the Ministry of Community and Social Services have supported this vision of the rehabilitative service. The ministry's plan has been to replace the old training schools with the development of a network of smaller and more numerous secure custody and group home services.

Under the old approach, young offenders isolated from the real community in large institutions had little help, little chance to develop a sense of responsibility. Large institutions by their very nature discourage the development of individuality, self-reliance and independent problem solving. Through community care, we hope to help these young people develop the skills, the independence and the sense of responsibility they need to become productive members of the community and society in general.

We are continuing to strive to meet our objectives for young offenders in a manner that recognizes their legal rights and civil liberties, in a manner that recognizes their rights as citizens of this province and this country to be treated with fairness and justice.

To achieve this, we must look to the whole community. We must ask the community to accept responsibility for the care of its own. They in turn must have trust that the networks and the

services will be able to provide that care in a responsible way. That trust between the communities and the people who live there is a trust that means agencies will be well run, a trust that compassionate decisions will be made on behalf of our young people and a trust that the security of the community will be respected and maintained. Surely that is what all of us want: to live in a society that values equality, compassion and justice.

I am therefore encouraged by the minister's statement today. He has recognized the system can and must be improved. He expresses our confidence in the agencies currently providing community services. I believe the minister's intention to review the security measures in place at all secure detention, secure custody and observation and detention homes directly operated by the ministry, and to review the staffing guidelines in facilities housing young offenders, is just. Clearly, these reviews are intended to further support the community services system.

The minister is saying that we are not regimented, that the system can be improved. The system must earn and continue to hold the community's confidence. This government has responded to the community's concerns as a result of the action of the minister. I hope that the confidence of the community in the system will continue and that we will not see a dreadful kind of backlash that is innovated and initiated through fear.

Along with other members of the House, I want to express my condolences to the families and friends of the young people who died over the weekend. As parents and as people who are trying to come to terms with these events, it was a sad time indeed.

**Mr. Morin-Strom:** Certainly, this is a very sad day for all of us in the Legislature. This has been a very difficult weekend for people in the Sepp family and for all people in the community of Sault Ste. Marie. This kind of a tragedy is one that will stay with us for years to come. We are seriously concerned about the circumstances surrounding this incident and hope that as a government and as elected representatives, we can work together to ensure the system is made to work so that tragedies such as this do not have to happen again in our province's future.

At this time, I would like to extend my personal sympathies to the Sepp family with respect to this tragedy, a second tragedy in their family, one that I know they find very difficult to accept, one that has shaken everyone in their



family and their friends, and indeed, all of our community of Sault Ste. Marie.

In recognizing its responsibility with respect to dealing with young offenders, I think the Legislature is taking a proper course in terms of focusing attention on this problem. In calling for this emergency debate today, we think we have had an opportunity to get an initial airing of some of the concerns and issues with respect to the planning and the programming of these facilities across the province.

#### 1750

It would appear there is a serious focus problem regarding funding policies and programs that the Ministry of Community and Social Services as well as the Ministry of Correctional Services is putting in place in order to deal with the difficult situation facing youngsters in our society today. Incidents such as those that occurred on the weekend result in a lack of public confidence in our systems of care and control of these young offenders. We, as a Legislature, have to address these issues and see that improvements are put in place with respect to the Young Offenders Act itself and then with how we deal with that act in terms of implementing policies of this government.

The tragedy that occurred in Midland is really one of horrendous proportions. It is hard to understand how a new graduate, a 21-year-old woman less than two weeks in the workforce, without experience in this type of work, can be given absolute and total control of a facility and be left alone with those who need our care. Surely, we must be going in the wrong direction when we see the lack of protections not just for the public but for the staff of these types of institutions.

The concept of community-based facilities is a good concept in principle, but it must have protections in place to ensure that the public and staff in the facilities are protected and that these facilities are providing the best possible care and treatment of youngsters who are in trouble and who need our assistance in order that they may be reintegrated into our society as productive members of Ontario.

These kinds of facilities cannot be set up as a means of saving money, to contract out services that really should be under the purview and under the control of the government as a whole. The concept of turning over responsibility for correctional services to private organizations, private individuals, to deal with the kinds of serious problems many of these young offenders face is

really a direction that has to be seriously questioned.

I know that our leader, the member for York South (Mr. B. Rae), has today called for a full public inquiry into this incident and into how these facilities are operated in Ontario. The minister has made a statement today with respect to his own internal investigation which is going to be conducted.

I commend him for conducting an investigation and getting that under way immediately, but I think we have to go beyond just internal investigations with government personnel looking at their own programs, with the same correctional people who instituted the policies and procedures that were in place reviewing those policies and procedures now. We have to have a full public airing of this matter, one in which we can get all the expertise possible and allow for a full public debate and review as to the direction in which we should be going with these programs in the future.

Surely one of the aspects that is called for most seriously is the serious concern with respect to the dangers, risks and the emotional trauma that comes with having to work in this kind of facility. These workers need greater protections from the province of Ontario. We certainly need to have improvements to our Occupational Health and Safety Act in order to provide workers with protection so that they are not subjected to the kinds of risks Krista Sepp faced in her second week on the job.

Workers must have the right to be able to assess the work conditions the risks involved and be able to refuse to enter into the kind of situation Krista Sepp faced. Workers should not be forced into a kind of position in which one inexperienced person, on his or her own, has complete responsibility for individuals who are in care, individuals whose backgrounds that worker perhaps has not been made fully aware of.

We have to have protection in terms of better training and security measures in these facilities so that the staff of young offenders' homes can feel some comfort and some camaraderie with their fellow staff, feel they are working together to provide for public safety, and of course feel they have the tools to be able to provide for those youngsters they are trying to care for.

They are trying to do a job for all of us. Krista Sepp was trying her hardest to do a job for all of us. I ask that we give them the tools so we can get on with doing the job that has to be done.

**The Acting Speaker (Mr. M. C. Ray):** There are a few moments left, sufficient for the member for High Park-Swansea.

**Mr. Fleet:** In the short time I have left before the conclusion of this debate, let me first of all say that the actions announced today by the government are ones I support very strongly. I think pressing for reform of the Young Offenders Act at the level of the federal government is essential for reasons that were provided earlier today, as well as the review of security procedures and staffing guidelines.

I also want to commend the government, as I understand the reasoning, for saying that we will take every precaution reasonable in all the circumstances and that safety does come first, both for the public and for workers. It is a paramount concern. There is also, as has been eloquently addressed by members all around this House, a social justice goal of trying to provide help for those people who, for whatever reason, seem unable to manage for themselves.

It is a social responsibility for all communities. Certainly, no community has a moral right to refuse to help those who need that kind of assistance. There ought not to be concentrations of things like group homes exclusively in one

area or a concentration of our attention, frankly, only on areas that involve corrections.

One of the problems in the communities is, quite frankly, a great deal of confusion about what group homes are and what halfway houses are; the fact that group homes frequently deal with other types of individuals, people who are, for instance, developmentally handicapped or foster children.

I would suggest that there is nothing which so feeds fear and so attacks the confidence in the system as ignorance and misinformation. We need to do more to try to help people learn about how it does work, as well as to focus on improving the system. I share that dedication. I know the Minister of Community and Social Services believes that very deeply and I again commend him for his efforts.

In light of the time, although I would like to make further comment, I will move the adjournment of the debate.

**The Acting Speaker:** In accordance with standing order 37, this debate is concluded without the necessity of a motion to adjourn.

The House adjourned at 6 p.m.



## ANSWER TO QUESTION IN ORDERS AND NOTICES

## COMMUNITY HEALTH CENTRES

**431. Mr. Runciman:** Will the Minister of Health inform the House, following the minister's decision to fund a new French-language community health centre for—according to the 1986 census—Metro Toronto's 2,030 individuals who speak only French, what initiatives her ministry has undertaken to provide comparable service for the 656,875 Metro Toronto residents whose mother tongue is neither English nor French? If no such initiatives have been undertaken, will she explain why? [Tabled January 5, 1989]

**Hon. Mrs. Caplan:** Community health centres are designed specifically to deal with the barriers in access to health care. The Ministry of Health recognizes the significant barrier which language and culture can be in accessing health care services and has provided funding for language-specific services in existing CHCs. The ministry has also provided funding for multicultural CHCs.

Metro Toronto currently has seven established CHCs and all of these have language capabilities other than English and French. The Regent Park Community Health Centre has in the past year been funded for a dedicated Southeast Asian program to serve Asians in that area. Among these groups are the Chinese, Laotian, Vietnamese and Cambodians.

In November and December of last year, the Ministry of Health announced three new CHCs for Toronto. All three are designed to provide a range of health care services in a culturally and linguistically appropriate manner. Collectively, they are being designed to serve the native population, Italians, Portuguese, Vietnamese, Koreans, Salvadoreans, Spanish, Tamils, Punjabis and East Indians (Hindi).

## RESPONSES TO PETITIONS

## RETAIL STORE HOURS

Sessional paper P-7, re Sunday shopping.

**Hon. Mrs. Smith:** The government has concluded that municipalities should have the option to decide retail hours on Sundays and other holidays and has introduced legislation to accomplish this.

The new law contains standard store closing rules for all of Ontario. These standard rules will remain in place unless a municipality decides for its own reasons to alter the law to reflect its own

values or needs. It may do this by permitting stores to open or requiring them to close on Sundays and holidays. Municipalities are entitled to make this choice for themselves.

Under amendments to the Employment Standards Act, all retail workers will be able to refuse Sunday work which is, in their view, unreasonable, and the legislation will protect workers against reprisals. Employers and employees will be encouraged to work out co-operative arrangements for Sundays. If no settlement is reached through mediation, the matter will be referred to an independent referee.

The current law has been found to be unenforceable and has been abused by some retailers. The proposed amendments provide a workable, fair and flexible solution to the issue of Sunday and holiday shopping.

## TEACHERS' SUPERANNUATION

Sessional paper P-22, re teachers' superannuation.

**Hon. Mr. Ward:** The issue of providing a pension based on "best five" years' service retroactively to those who have already retired must be viewed in the context of the overall financial situation of the teachers' pension plan. It should be noted that when this issue was referred to the Public Sector Pensions Advisory Board in 1986, the board reviewed the matter and recommended against this change.

More recently, the Slater report on teachers' and public service pensions has concluded that under the best possible circumstances, current contributions and investment income are insufficient to provide the current level of pension indexation. Further, the report found that this situation has occurred for benefits that arose from past service, and if nothing is done, will occur in respect of future service. These findings are consistent with earlier reports by Laurence Coward and Malcolm Rowan. Indeed, the Coward report measured the unfunded liability with respect to teachers' indexation benefits at almost \$7 billion.

The government sees the matter of unfunded liability as requiring urgent disposition and is committed to finding a resolution that is fiscally prudent and fair to current contributors and future taxpayers. At the same time, the government has indicated its willingness to pursue real reform in the pension arrangements.

To this end, a working group on teachers' pensions has been established which includes representatives of the Ontario Teachers' Federation. The "best five" matter is among the issues being discussed by the working group. The working group has been instructed to present recommendations as to how to proceed in the near future so that the implementation arrangements to resolve the funding situation can be included in the next provincial budget.

#### CHURCH OF SCIENTOLOGY

Sessional paper 33, re Church of Scientology.

**Hon. Mr. Scott:** The abovenoted petitions request that the outstanding charges against the Church of Scientology of Toronto be withdrawn.

The preamble to the petition contains several errors which should be noted:

1. "An entire church" is not charged with a criminal offence. The accused is the corporation Church of Scientology of Toronto;

2. The alleged offences did not occur over a decade ago. The charges of possession of stolen property span a time period ending March 3, 1983.

As I have noted in responding to other correspondence pertaining to this case, the Court of Appeal for Ontario has held that those who commit secular crimes are not immune from prosecution merely because the crimes are committed to further the objects of a religious organization. This principle is equally applicable to individuals and corporations.

Any further comment regarding the Scientology case would not be advisable as the case is presently before the courts and is subject to a ban on publication of the evidence.

#### HOME CARE

Sessional paper P-39, re Red Cross.

**Hon. R. F. Nixon:** On December 2, 1988, I met with the Red Cross, at which time the issue of their \$1.1-million deficit was raised. On

January 6, 1989, the Minister of Community and Social Services (Mr. Sweeney) announced that the government will cover the \$1.8 million in deficits incurred by homemaker programs of the Red Cross and six other not-for-profit organizations across Ontario. In addition, the government has agreed to fund verifiable deficits incurred by these programs next year.

#### POLICE SHOOTING

Sessional paper P-40, re public inquiry into the death of Bernard Bastien.

**Hon. Mrs. Smith:** An inquest was commenced in October 1988 into the shooting death of Bernard Bastien by members of an Ontario Provincial Police tactics and rescue unit on August 14, 1988. The inquest will resume on March 20, 1989, and will be presided over by Dr. R. C. Bennett, the chief coroner for Ontario.

It is anticipated that all of the facts and circumstances with respect to the death of Mr. Bastien will be given a thorough public airing at the inquest. Under the provisions of the Coroners Act, the inquest jury will be empowered to make recommendations with respect to the further operations of special police units for the purpose of avoiding such deaths in future.

There is nothing vague or evasive concerning the nature and scope of the Ontario Police Commission's inquiry into special police units. The commission is directed to report upon and make recommendations with respect to such matters as selection and training of special police unit personnel, the equipment, including communications equipment, used by such units, the function of such units and the rationale and need for such units. The inquiry is seen as complementary to the Bastien inquest, and it is anticipated that the findings and recommendations of both the inquest jury and of the Ontario Police Commission inquiry will service effectively to prevent future tragedies of this nature.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitowlin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orléans L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in  
 each issue. Lists of the members of the executive  
 council, parliamentary assistants and members  
 of committees, brought up to date as necessary,  
 are published in Hansard in the first and last  
 issues of each session and on the first sitting day  
 of each month.



## CONTENTS

**Monday, February 6, 1989**

### Members' statements

<b>Landlords' restrictions on pets</b> , Ms. Bryden .....	7911
<b>Louise de Kiriline Lawrence</b> , Mr. Harris .....	7911
<b>Legislative page</b> , Mrs. Fawcett .....	7911
<b>Landlords' restrictions on pets</b> , Mr. Philip .....	7912
<b>Young offenders</b> , Mr. Jackson .....	7912
<b>Social assistance</b> , Ms. Poole .....	7912
<b>Conversion of rental accommodation</b> , Mr. Philip .....	7913

### Statement by the ministry

<b>Young offenders</b> , Hon. Mr. Sweeney .....	7913
---	------

### Responses/Réponses

<b>Young offenders</b> , Mr. B. Rae, Mr. Brandt .....	7914
<b>Jeunes contrevenants</b> , M. B. Rae, M. Brandt .....	7914

### Oral questions

<b>Young offenders</b> , Mr. B. Rae, Hon. Mr. Sweeney, Mr. Brandt .....	7916
<b>Child care</b> , Mrs. Cunningham, Hon. Mr. Sweeney, Mr. B. Rae .....	7920
<b>Outbreak of meningitis</b> , Mr. Eves, Hon. Mr. Conway .....	7922
<b>Crop insurance</b> , Mr. Owen, Hon. Mr. Riddell .....	7923
<b>Public sector pension plans</b> , Mr. D. S. Cooke, Hon. Mr. Elston .....	7923
<b>Developmentally handicapped</b> , Mr. Harris, Hon. Mr. Sweeney .....	7924
<b>Ontario travel association program</b> , Mr. Black, Hon. Mr. O'Neil .....	7925
<b>Plant closures</b> , Mr. Mackenzie, Hon. Mr. Kwinter .....	7925
<b>Community safety</b> , Mr. Runciman, Hon. Mrs. Smith .....	7926

### Petitions

<b>Rent regulation</b> , Mr. Kanter, tabled .....	7927
<b>Retail store hours</b> , Mr. Fleet, tabled .....	7927
<b>Animals for research</b> , Mr. Wildman, tabled .....	7927

### Reports by committees

<b>Standing committee on general government</b> , Mr. Elliot, tabled .....	7927
<b>Standing committee on social development</b> , Mr. Neumann, tabled .....	7927

### First reading

<b>Landlord and Tenant Amendment Act</b> , Bill 214, Mr. Philip, agreed to .....	7927
--	------

### Private member's motion

<b>Motion to set aside ordinary business</b> , Mr. Allen, Mrs. Cunningham, Hon. Mr. Conway, agreed to .....	7928
<b>Young offenders</b> , Mr. R. F. Johnston, Mr. Brandt, Hon. Mr. Sweeney, Mr. B. Rae, Mrs. Cunningham, Hon. Mr. Ramsay, Mr. Allen, Mr. Sterling, Mr. Offer, Mr. Reville, Mr. Jackson, Mrs. Fawcett, Mr. Farnan, Mr. Runciman, Mrs. Sullivan, Mr. Morin-Strom, Mr. Fleet .....	7930

**Answer to question in Orders and Notices**

<b>Community health centres</b> , question 431, Mr. Runciman, Hon. Mrs. Caplan .....	7955
--	------

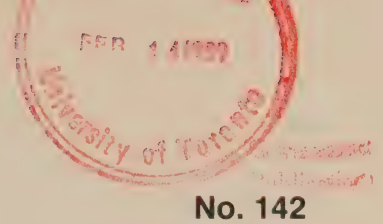
**Responses to petitions**

<b>Retail store hours</b> , sessional paper P-7, Hon. Mrs. Smith .....	7955
<b>Teachers' superannuation</b> , sessional paper P-22, Hon. Mr. Ward .....	7955
<b>Church of Scientology</b> , sessional paper P-33, Hon. Mr. Scott .....	7956
<b>Home care</b> , sessional paper P-39, Hon. R. F. Nixon .....	7956
<b>Police shooting</b> , sessional paper P-40, Hon. Mrs. Smith .....	7956

**Other business**

<b>Adjournment</b> .....	7954
<b>Alphabetical list of members</b> .....	7957





No. 142

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**

Tuesday, February 7, 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

---

Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan



## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, February 7, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### SALE OF CIGARETTES TO MINORS

**Mr. Allen:** There is more evidence that replacing the Minors' Protection Act to protect young people from the ravages of tobacco is urgently needed. A McMaster University 10-year study of the effects of pollution on the respiratory health of children has concluded that the big cause of respiratory disease in childhood was whether the mother smoked or not.

But more directly to the question, Dr. Pengelly and his group confidentially surveyed about 2,000 young teenagers aged 12 to 16, and his figures about the incidence of teenage smoking are a new cause for alarm, because they are clinically more reliable and show 50 per cent more teenage smokers than other, more casual, studies of recent date.

"One in three are smoking at the age of 15," Dr. Pengelly says, and notes a clear connection to increases in respiratory disease among both teenage males and females.

"The girls' story is especially sad." He says, "They have a twofold likelihood of smoking if their mothers smoke, and if their mothers smoke they have an early respiratory disease and their lung growth is affected."

"Girls also tend to smoke twice as many cigarettes as boys in their early years of smoking," according to the study.

Pengelly's findings reinforce the need to scrap the provincial Minors' Protection Act with its ridiculous \$50 fines and institute a licensing system for tobacco retailers with stiff fines and loss of licence for sales of tobacco to minors.

### HEURES D'OUVERTURE DES MAGASINS

**M. Villeneuve:** Aujourd'hui, l'Assemblée législative va probablement adopter le projet de loi le plus déplorable sur le magasinage le dimanche. C'est un jour triste pour l'Ontario. C'est un jour très triste lorsque le gouvernement majoritaire démontre qu'il ne peut se montrer digne de ses promesses électorales; c'est un jour très triste lorsque le Parti libéral et ses députés ignorent leurs électeurs. Ils ont manqué de

protéger les électeurs qui devront travailler le dimanche.

J'ai toujours cru que nos municipalités locales et leurs organisations devraient pouvoir s'exprimer sur la gestion du gouvernement envers le magasinage du dimanche. Le présent gouvernement a tout simplement ignoré ces municipalités et leurs organisations locales.

Il est évident que l'option municipale réclamée par le présent gouvernement est en réalité du chantage municipal. Cette loi permettra aux municipalités d'être plus vulnérables aux pressions économiques connexes. Cela s'explique par la capacité des prises de décision locales, qui sera réduite par ce projet de loi.

Dans la présente Assemblée législative, les farces du premier ministre (l'hon. M. Peterson) ont donné une fausse idée de ma position à ce sujet. Je n'exige aucune excuse. Je ne peux pas prendre au sérieux les remarques d'une personne décrite par ses propres collègues comme manquant de vision, d'imagination et d'idées nouvelles, et n'ayant aucun ordre du jour. Le présent gouvernement a fait des municipalités ontariennes des bouche-trous.

### MEDIA REPORT

**Mr. Cordiano:** Yesterday, an article appeared in the Toronto Sun decrying the participation of so-called ethnic Canadians in Canadian political life. The article was written by none other than the Father of Confederation himself, McKenzie Porter. This article comes as close to spreading hate literature as I have seen.

According to Mr. Porter, Italians "are not above paying Italian Canadians to vote for a given ethnic candidate." Mr. Porter blatantly smears all Italian Canadians by suggesting that somehow the entire Italian Canadian community has conspired to circumvent the electoral process. Mr. Porter, on the other hand, is also benevolent enough to suggest that after white Anglo-Saxon Protestants and the French, Italians are his favourite Canadians.

Mr. Porter, where do blacks, Jews, Orientals and any other group fit on your most desirable list—or do they? Mr. Porter further comments that the children of ethnic immigrants "despise...

their parents' foreign accents and temperaments" and "ardently seek assimilation."

I have a big surprise for Mr. Porter. My parents were both immigrants from Italy and I was born in Canada. I am proud of my parents with their foreign accents and temperaments. I am damned proud to be a Canadian and the son of Italian immigrants, and I am proud that in my country, Canada, it is possible for someone like me to be addressing someone like him from where I sit in this Legislature.

Mr. Porter even suggests it is time to take corrective measures against those ethnic groups.

**Mr. Speaker:** The time has expired. Thank you. The member for Cambridge.

### CABLE TELEVISION

**Mr. Farnan:** Cable television companies are allowed to charge their customers for new channels installed without their prior knowledge or consent. The privilege of having these new channels is then absorbed in the monthly statement received by the customer. This negative option business practice is allowed to be inflicted on the unsuspecting consumers without previous knowledge or consent of what is available to them as the cable TV companies are autonomous and do not have to conform to any regulations set out by the Canadian Radio-television and Telecommunications Commission for payment of services. It seems to me that cable TV companies are being allowed to become a monopoly at the consumer's expense.

I believe the Ontario government should not accept this kind of business practice and should protect its consumers. One cable company in Toronto included a waiver card with the monthly statements, advising its customers that if they did not accept the new channels already installed they would be charged an installation fee as well as increased monthly billing should they decide to have them at a later date. This is an unfair business practice to consumers, in particular to the minority groups in Ontario. It is time that the provincial government exerted pressure on the federal government to bring this practice to an end.

### SALE OF CIGARETTES TO MINORS

**Mr. Sterling:** Later today, I will be introducing a private member's bill to provide for better enforcement of the sale of tobacco to minors. We saw very recently just how ineffective the Minors' Protection Act really is: With fines presently ranging from \$2 to \$50, there is no economic incentive or sanction for retailers to

comply with the law. The \$25 fine to Shoppers Drug Mart will not, I am sure, cause Imasco shares to drop appreciably.

We have an 1892 act which, by its amendment in 1970 indicates its continued necessity, yet it has little consequence in today's marketplace. The bill I am bringing forward this afternoon will not only amend the Minors' Protection Act by substantially increasing the minimum and maximum fines to \$200 and \$5,000, but it will also amend the Retail Sales Tax Act to require tobacco authorization to accompany the vendor's permit in order for a vendor to sell tobacco to consumers.

Should the vendor sell tobacco to a minor, the tobacco authorization could be suspended or revoked. The tobacco authorization will not mean more red tape for the vendor or a small business; rather it will be included as part of the vendor's permit. It will not require a separate application.

I consider these changes to be vital if we are to continue our battle in attempting to encourage young people to stop smoking.

1340

### DRUG ABUSE

**Mrs. LeBourdais:** Yesterday, I was pleased to attend a press conference held by the Metropolitan Toronto Police to announce the completion of Project Fall, the most recent in a continuing series of major drug seizures across Metro.

This particular operation in the northwest corner of Metro netted \$18,000 to \$20,000 in crack and cocaine, as well as a plethora of knives and handguns, including a semi-automatic rifle with three clips of ammunition, all taken from juveniles with an average age of 18 to 22 years.

I commend the Metro force for its efforts and I note the words of Staff-Inspector Jim Clark, who stated that although such efforts help to stall the ongoing plague of drugs on our society, ultimately it will be education and drug treatment programs that will provide the antidote.

This only strengthens the recommendations of the Black report on the abuse of illicit drugs: to use education as the ultimate weapon to keep our children safe and to provide the necessary programs and funding to implement expanded curriculum, staff training programs and policies to drive home to people of all ages that drugs shatter dreams, shatter families and ultimately shatter the lives of young people.

As adults and as parents, we must not only educate through our schools but we must educate



by example. We must say, "Do as I do, not merely as I say." Kids do not fall for that any more. Peer pressure is too great and the availability of free crack is all too prevalent.

#### DOCTOR'S BILLING PRACTICES

**Mr. Reville:** I have in my hand a copy of a price list that is similar to one that many patients in Ontario now have in their files. It is from a doctor in Peterborough who advises his patients that because of the banning of extra billing and because of the government's refusal to give more than a 1.75 per cent increase in Ontario health insurance plan fees, he is going to have to get his patients to pay either plan A, which is \$40 annually, or plan B, which is an itemized list of charges for separate services.

The government has been saying it is going to do something about this since June 1986. It has not done anything. What else is new?

#### ORAL QUESTIONS

##### GROUP HOMES

**Mr. B. Rae:** I have again today some questions for the Minister of Community and Social Services.

This morning, just before question period, a member of my staff had a lengthy conversation with a former employee of Kinark Child and Family Services in Midland. This employee worked in the home until fairly recently, in fact is no longer an employee there but worked with the accused young offender in the particular home in question.

She tells us that, as a member of staff, she was not told very much about the young offender; that is to say why she was a young offender. She was not shown any records or information with respect to her treatment and care and, generally speaking, was kept in the dark with regard to who this person was and why she was there.

The minister cannot tell us who this person is, but I wonder if he can tell us, first, how it is that the young offender came to be in the Kinark home; and second, why information with respect to this person was kept from the staff

**Hon. Mr. Sweeney:** I will share with the honourable leader the information I have. I understand that this young offender was sentenced by the courts to 18 months in secure custody.

The Young Offenders Act, as the member may know, does provide for the staff of a facility or the guardian of a young offender to come back before the court once again at a point in time and ask for the disposition to be reviewed. I

understand that—I am not sure but I think it is somewhere between 10 and 12 months; we will say after 12 months for the sake of this discussion—after 12 months that review was asked for before the court.

The reason given was that the young offender had been making good progress and everyone concerned seemed to feel it would be appropriate for her to be in a community setting for the last eight months of her sentence, so that she could go to school in her own community and begin the process of reintegration back into the community. The facility available closest to her own community was at Midland and she was transferred there. The responsible people at Kinark knew who she was and why she was being transferred and agreed to that.

**Mr. Speaker:** Thank you.

**Hon. Mr. Sweeney:** I understand that in the very recent past there had been a conference—

**Mr. Speaker:** Order.

**Mr. B. Rae:** My understanding, again from a conversation with this former employee of the Kinark homes, is that as a result of the fact that in the last year there have been two referrals to the Kinark home under the Young Offenders Act, this was sufficiently troubling to the workers that they asked management specifically to do the following three things: to put locks on the windows on the first floor, to put a telephone in the staff bedroom on the second floor and to place alarms on all fire doors. It is my understanding that all these were at that time rejected by the management of this particular place as being unnecessary and too expensive.

There has been a very substantial staff turnover in the last year and a half as a result of morale problems stemming from differences of opinion as to how care should be provided and what kind of staffing and what kind of security measures are necessary in order to deal with a very different kind of clientele that is coming into this particular home.

**Mr. Speaker:** Question?

**Mr. B. Rae:** I wonder if the minister can tell us what he knows about this.

**Hon. Mr. Sweeney:** The honourable leader is correct when he said that not too many young offenders are sent to the homes operated by Kinark. As I am sure the leader probably knows, these homes—and I believe the agency is responsible for 17 homes, mostly in southern and central Ontario—are intended primarily for younger children who have serious emotional problems.

This was one of the few homes that accepted adolescents. The young lady was not sent there, nor was the other young boy, the 14-year-old, because they were young offenders but rather because this home had the treatment facilities, the treatment opportunities that it was felt they needed.

I am not aware of the information the honourable leader has given us with respect to the request that has been made. I can share with him, however, that over the past two years, the total budget of Kinark province-wide—and it is a block-funded agency; it is not a per diem agency—has been increased by approximately \$2 million, and \$500,000 of that was for program improvements.

I am sorry that I cannot speak to the specifics the leader spoke of, but I certainly feel that would be one of the issues that should be considered in a review of the security process.

**Mr. B. Rae:** I think we need a public inquiry, because the staff have told us that they were reduced to jamming wood in the windows on the ground floor in order to prevent illicit entry, that there have been several break-ins in the place during the day and that they never saw a ministry official who contacted the home in the period they were there.

We understand there is a very real problem here. We have a situation where homes that were intended for emotionally disturbed children referred by children's aid societies and others are now becoming a virtual dumping ground under the Young Offenders Act, which was not their original intention. Staff are not trained to deal with people, are not paid to deal with these people and do not have the security in the homes to make them appropriate places for people who are charged under the Young Offenders Act.

Just what was this young person charged with so that she would have a sentence of 18 months in a maximum security facility?

1350

**Hon. Mr. Sweeney:** Let me reiterate that the young lady and the boy who were there were not there because they were young offenders. They were there because they needed treatment. This was determined by a number of people: the courts, the children's aid society. I think both of those had some sense about the people, as did the staff who worked at Cecil Facer Youth Centre, that this was a most appropriate placement for her in order to get that kind of treatment.

I would say to the honourable leader that these two people were not dumped there. As a matter of fact, very few young offenders are sent there.

To come back to what I said earlier, it was the most appropriate placement for her particular needs.

**Mr. B. Rae:** The minister still has not told us the nature of the original charge against this young person. There is no reason for that information to be kept secret. There is no reason why this House should not know that information and no reason why the workers who were in that house should not have been kept fully informed why she was there.

I have a follow-up question to the minister. He will no doubt be aware, though he has not given any report to the House, of a tragic event that took place last week in Toronto at Delisle House, which is also a home operated under his ministry. He will know that there was a 16-year-old young person with a history of serious emotional disturbance who was in that house. He was upset all day. There were renovations going on in the house. The young man took a power saw from the place in the house where the renovations were going on, locked himself in the washroom for several hours and at roughly one o'clock he committed suicide by beginning to cut his neck, as I understand it, with the power saw.

It is my understanding there was one person on staff the evening of this tragic incident. I wonder if the minister can tell us what he knows about this incident and what he can tell us about the kind of supervision, the kind of staffing arrangements in place at Delisle House last week.

**Hon. Mr. Sweeney:** My understanding of the situation is that this was a 17-year-old young man who was living apart from his family. I understand that his father was living in western Canada and that he was not living with his mother, although there was some infrequent contact with the mother, and that the young man had voluntarily booked himself into Delisle House because, as the leader said, he had some emotional problems and was looking for some assistance.

While he was at Delisle House, he was working outside in the community. He had booked himself in. There was a procedure at Delisle House that when the residents went in or out, they booked themselves in and out at the front door. He booked himself in from work at 8:30 p.m. on Saturday evening.

The counsellor who was responsible for the house knew he was in the house. He had seen him going to his own room and did not discover his body until later on in the evening. I am told that the fact there were renovations going on in the house was recognized and that all of the tools of



the contractors were locked away with a fairly heavy lock in a basement room, but apparently he was able to get into the room and break through the lock. At the moment, that is the information I have.

**Mr. B. Rae:** I asked the minister what the staffing arrangements were that would have allowed this young person, as the minister himself described to have broken into what he described as a locked place without anybody being aware of that and then gone to the washroom and locked himself into the washroom. How long was it while he was in the washroom before he was dead? Can the minister tell us what staffing arrangements were in place at Delisle House on the night in question?

**Hon. Mr. Sweeney:** I understand there was one staff on duty and that he had booked the young man in and seen him go to his room. I also understand that subsequently the young man went down into the basement, locked the basement door behind him and then broke into the storeroom in the basement and stayed in the basement.

**Mr. B. Rae:** Can the minister tell us whether anybody called for help? In light of the incidents we have described and he has discussed, which all the province is now aware of, does he not think it is about time, instead of waiting 90 days before he deals with the staffing question, that he now deal with the staffing question and make it clear that as far as he is concerned, and as far as all of us are concerned, having one person on staff in any one of these homes is simply not satisfactory at any time, day or night?

**Hon. Mr. Sweeney:** My understanding is that as soon as the body was discovered the counsellor immediately contacted the police. A sergeant came to the house, investigated the situation, got all of the information from the counsellor and indicated he would obviously notify the coroner, but made a judgement call on the site that he did not believe an inquest would be required. Obviously, that is the coroner's decision, and I am not making any judgement on that. What it does say, though, is that when all of the information was made available, that was one person's observation.

#### RETAIL STORE HOURS

**Mr. Brandt:** My question is to the Premier. The Premier was quoted yesterday as having indicated that those who oppose his plans to successfully pass Bill 113 and Bill 114, the bills on Sunday shopping, are engaging in "emotional hysteria."

I would like to share with the Premier the names of some of the individuals who in fact oppose his plans: Emmett Cardinal Carter, representing the Roman Catholic Church in Canada; Most Reverend Lewis S. Garnsworthy, the Anglican Church of Canada; Reverend Hudson T. Hilsden, the Pentecostal Assemblies of Canada; Bishop Sotirios, the Greek Orthodox Diocese of Toronto; Reverend Dr. Raymond Hodgson, the Presbyterian Church in Canada; Reverend David Jones, the United Church of Canada.

That is only a partial list. I have not included labour leaders. I have not included virtually all municipalities, the Association of Municipalities of Ontario. I have not included retail workers, literally millions of people across this province, all of whom share the views expressed by this party through this leader and who do not join with the Premier in his obvious interest in having wide-open Sunday shopping in Ontario.

**Mr. Speaker:** Question?

**Mr. Brandt:** Does the Premier believe that all of these people, the names of whom I have shared with him today, are engaging in emotional hysteria?

**Hon. Mr. Peterson:** I do not share the member's view about this matter, as we have discussed for the last year and a half or so. I have said I believe there is a lot of misinformation about this, about what will result herefrom. We have heard all those arguments in this House and I was referring to that.

**Mr. Brandt:** Let me tell the Premier that some of the misinformation that has been in this House and that has been debated on this particular issue, which we are apparently going to bring to a conclusion today—if he wants to talk about mixed signals, I remind him of the signal he sent to the people of Ontario in August 1987 prior to the September 10th election. He indicated two things in particular: first, that he was quite comfortable with the status quo; and second, that he wanted to preserve a day of rest and a day of pause in this province. What happened between August and September of 1987?

**Hon. Mr. Peterson:** We have been through this question on innumerable occasions and I think my honourable friend is quite familiar with the answer to it. We have examined the flaws in the old law, the wholesale abuse of that, and the imprecision in the drafting of the first one that did not work effectively, a fact that the member will recognize, I am sure. This new act cleans all of

that up and there is a very clear framework that will apply.

**Mr. Speaker:** Final supplementary.

**Mr. Brandt:** It is probably too late to ask my final supplementary, but I will anyway, because we are moving down the road on this particular question. Since the Premier did in fact change his mind between August and September in connection with what we consider to be a very important question for the people of this province, will he do the right, honourable and proper thing today and simply advise his colleagues that he was misinformed about what would happen in connection with Bill 113 and Bill 114, and will he withdraw the bills?

**Hon. Mr. Peterson:** Is the member serious? Honestly, I have laboured many years in opposition in this House and I have laboured many years in government. I have asked many inappropriate questions and I have answered a lot of questions inappropriately, but that takes the cake.

**Mr. Speaker:** New question.

**Mr. Brandt:** I anticipated that when we asked a serious question of that nature, we would get that answer. My next question—

**Mr. Speaker:** Question. To which minister?  
1400

#### DRUG ABUSE

**Mr. Brandt:** I am sure the Premier is aware of the fact a police sweep code-named Project Fall recently took place in which 232 arrests were made with the police successfully coming to grips with some of the drug problem that has been impacting on our community, particularly here in Toronto. A great number of drug dealers involved in crack and cocaine sales were apprehended as a result of this sweep.

It is interesting to note that before the police could actually announce the details of the successful raid they were engaged in, two of the men who were involved in that sweep, who were apprehended and charged by the police, were back on the street before the police could even make an announcement. This is after, in one case, one of the individuals received a sentence of one week and the other received a sentence of some 14 days.

The crown—Mr. Speaker, perhaps I might carry on for just a moment—asked for 90-day sentencing in one case and six-month sentencing in the other. I would like to ask the Premier if he thinks that seven and 14 days respectively for these crack and cocaine dealers are appropriate

sentences in light of the attempts we are making as a Legislature to fight the drug problem in this province.

**Hon. Mr. Peterson:** Let me say that I sympathize with the question asked by my friend opposite. We, as a Legislature, as a government, all of us, try to address a number of these very serious drug and drug-related problems in our society. I do not know all the details of this particular case. I must say, in superficial terms, that I have the very same reaction as my honourable friend does.

I will ask the Attorney General (Mr. Scott) to review this matter and he will make a judgement on that. He is tied up, as the member knows, defending his wonderful reputation before the bar, but I will certainly pass on the comments of my honourable friend to the Attorney General. I do not feel I am personally competent to pass judgement on this, but I have the sense my honourable friend does.

**Mr. Brandt:** It seems like a terribly frustrating exercise to put close to 100 police officers on the streets in Metropolitan Toronto with the specific purpose of fighting the drug problem, of apprehending these people who are engaged in this type of criminal activity, and then when you actually get them into court, they are back on the streets as quickly as these two individuals and others seem to be in terms of the leniency of the sentencing provided by our judges.

I ask the Premier not only that he review this situation with the Attorney General, of whom I would have asked the question had he been available to be here with us in this forum today—however, because of his unavailability—

**Mr. B. Rae:** He's not available.

**Mr. Brandt:** I understand he is not available and that is why I am directing the question to the Premier.

**Mr. Speaker:** And the question would be?

**Mr. Brandt:** I would ask the Premier in the strongest possible terms, will he use his substantial influence to get the Attorney General to very carefully review these charges and see if we cannot bring the judges into step with the rest of the Ontario public?

**Hon. Mr. Peterson:** We in this Legislature are all hoping that the Attorney General will be free in the very near future. That being said, I will refer this matter to him.

I say to my friend that I am not sure whether this is a problem of the Criminal Code or a problem in the courts. My honourable friend has a right to second-guess a sentence imposed by the



independent courts in this matter, and the Attorney General and his staff obviously have the right to review that and appeal the matter. I will convey the member's impression to the Attorney General as he reviews this matter.

**Mr. Brandt:** The code does allow for sentencing of up to two years, as I understand it, in the two cases I have shared with the Premier today. I join with him in wanting to free the Attorney General, so that he can come back and contribute in his own modest way to the proceedings in this House.

I would like to refer, if I might, to another member very briefly, and that is the member for Muskoka-Georgian Bay (Mr. Black) who reported to this House on the problem of drugs in our society and made a series, as I recall, of some 40 recommendations, 18 of which dealt with sentencing very directly and one of which called for an increased level of sentencing in many instances as it relates to the drug problem.

The Premier indicated he agrees with the findings and the recommendations in the Black report. As he agrees with the report and as he agreed to implement some of the recommendations in that report, could the Premier share with this House which of those recommendations have been implemented, which of those recommendations he continues to support and what progress we have made on this very serious problem in our society.

**Hon. Mr. Peterson:** I do not think I disagree with my honourable friend in his concern on this matter. There were a number of recommendations the member for Muskoka-Georgian Bay brought forward: health, education, a variety of fronts on which this issue has to be attacked. Many of those have been implemented. I can assure my honourable friend that a number more are being pursued.

This, however, as my friend knows, is a matter for the courts. He or I do not sit and pass judgement on these people; that is the independence of the courts. Perhaps from this Legislature should go forward a message to those who do pass judgement on others, i.e. the judges, that we feel they should be more harshly dealt with. My honourable friend also recognizes there is a history of independence of the courts. It is not politicians who sit in judgement on these people.

Obviously, should the Attorney General view it as the appropriate course of action, he can ask for an appeal in this matter. I agree with my friend that the strongest signals have to go out from all institutions and authorities in this province, be they educational, health care,

community and social services, legal or otherwise, that this is behaviour that will not be tolerated. I think we have to send out strong signals through the courts as well.

#### GROUP HOMES

**Mr. B. Rae:** The Minister of Community and Social Services has not answered this question, and I have asked it of him in different ways today. I would like to ask him very directly. In my reading of section 38 of the Young Offenders Act, he is not allowed to release the identity of the young offender, the young woman, who was at the Kinark home and has now been charged with the murder of Krista Sepp. Nothing prevents him from telling us what she was charged with so that she was sentenced to 18 months in the secure facility at Cecil Facer Youth Centre in Sudbury. Will the minister now tell us what this young woman was charged with so that she was sentenced for 18 months in a security place in Sudbury?

**Hon. Mr. Sweeney:** The legal counsel within my ministry has indicated that since this young girl has been charged by the police, it would be improper for me to make any comments at all about her personal background.

**Mr. B. Rae:** I do not know why the minister would be getting that kind of advice when surely that is information to which we are all entitled as a matter of public record. I will then, by way of supplementary, ask the minister: He has just told us that with respect to the tragic incident last week at Delisle House an inquest has not even been ordered or indeed requested by his ministry, or anything of that kind.

I am sure there will be lots more information coming from the field in terms of what happens when you only have one staff person on and in terms of what happens when you have people coming into these homes who it was never expected, when they were originally established, would be in these homes.

In light of what has taken place and in light of the information I have revealed today, why will the minister today not ask for a totally independent public inquiry into what is happening to our young people, what is happening in communities and what is happening with staff, so that we can make sure the interests of the public, of the staff and of young people are all maintained by having a full public inquiry?

**Mr. Speaker:** Thank you. The question has been asked.

**Hon. Mr. Sweeney:** If I may correct the honourable leader, I did not say no inquest had

been ordered. What I did say was that on the police investigation, he indicated the coroner would be notified immediately. He questioned whether an inquest might be necessary. However, as the honourable leader well knows, the coroner and only the coroner determines whether an inquest will be held. That is his decision; that is not mine. It is the coroner who determines whether an inquest will be held; that is his decision.

With respect to the second part of the honourable member's question—

Interjections.

1410

**Mr. Speaker:** Order, if the members wish a response.

**Hon. Mr. Sweeney:** With respect to the second part of the question, it has been my judgement that the 90-day review which I announced yesterday will enable us to get to the difficulty as quickly as possible. We have included the two ministries involved with corrections, my own and the Ministry of Correctional Services. We have included the Ontario Provincial Police. My assistant deputy minister met with the Ontario Public Service Employees Union people this morning and asked for their assistance in this. We are going to be contacting all of the various agencies that look after emotionally disturbed children or young offenders and ask them to participate. We think that is the most appropriate way to go at this time.

#### AFFORDABLE HOUSING

**Mr. Harris:** I have a question to the Minister of Housing. Her government and her Treasurer (Mr. R. F. Nixon) have indicated support for a national sales tax plan. The federal Minister of State (Housing), Mr. Redway, on the job for just one week, has enough clout in his cabinet to definitely be able to say that no new federal taxation policy will impact on the cost of housing. Can the minister give us the same assurance that if the provincial government goes along with the national sales tax plan, Ontario will support a mechanism to effectively exempt housing from that plan?

**Hon. Ms. Hošek:** I think the question of either a federal budget or a provincial budget is in the hands of the minister of finance of the appropriate jurisdiction. What I can say to the member is that this government's commitment to making sure that housing is as affordable as possible is what I am most concerned about and it is that

kind of goal that I speak to on all the opportunities that I have.

I think it is very important to remember that our government has made some commitments to make that possible through the various programs which I have detailed to the member in the past, in particular through the requirement in the land use policy that about a quarter of new units built should be affordable.

I think that the question of tax policy is best left to the ministers of finance of both jurisdictions to decide.

**Mr. Harris:** The federal government obviously understands a rather simple proposition, that being that if you add more taxes to the cost of housing, housing becomes more expensive and less affordable. In the federal government, both the treasurer and the minister of housing have stood up and said, "No way will we add anything by any way of tax burden that will increase the problem of housing affordability."

I am asking the Ontario Minister of Housing to stand up and give us that same assurance that Mr. Redway has given us, that no new taxation, whether it be lot levy or whether it be by way of her participation in the national sales tax plan, will impact negatively on the cost of housing.

The bottom line here appears to be that the federal government understands and is willing to stand up and take a position on affordable housing and the minister and her government are not willing to do that.

**Hon. Ms. Hošek:** The member opposite has enough experience to know that he should not prejudice any budget until it arrives. If indeed the next budget of the federal government makes recognition of the housing needs of this province I will be extremely pleased, as will everybody else in this House and everybody else in this province.

The member also knows that the discussion we are undertaking with the development industry and with municipalities about the question of how to fund the infrastructure costs of high growth are going on right now. We are pleased to listen to any suggestion he might have to make about how to meet those concerns, together with the concerns with affordable housing.

Interjections.

**Mr. Speaker:** Order.

#### HIGHWAY CONSTRUCTION

**Mr. Chiarelli:** My question is to the Minister of Transportation and it relates to Highway 416 in eastern Ontario. As the minister knows, some 16 months ago his ministry committed \$140



million to this highway project. I wonder if the minister can give an update to the House on the status of this project.

**Hon. Mr. Sorbara:** Now that you're back in town.

**Hon. Mr. Fulton:** I have not been travelling quite as much as I normally do, but I have been travelling under different circumstances.

I welcome the member's question. It is a very important one; it is very important to him and his colleagues from Ottawa and area and from eastern Ontario generally. I very much appreciate the input the members have provided me with over the past while, including a meeting in my office very recently when all members of the Ottawa caucus brought forward their continued interest with respect to continuing with Highway 416, a highway we consider of paramount importance in this province.

We are spending \$3 million this year, as previously committed. We will be spending additional dollars next year, culminating with \$58 million in 1992. The announcement was made in 1987. We are on schedule, we are on target and we will continue with the project as quickly as possible.

**Mr. Chiarelli:** The minister may be aware of the fact that the Junior Chamber of Commerce in Ottawa this week is starting a lobbying venture and publicity campaign with respect to Highway 416. They are particularly interested in the link from Century Road to Highway 401. Would the minister care to comment on that particular lobbying campaign and that particular link on Highway 416?

**Hon. Mr. Fulton:** The member would be aware that when we took office the previous government, in fact, had had this project on the books for some 31 years.

**Mr. Brandt:** That's just a little bit of an exaggeration. Your nose is going to grow, Ed.

**Mr. Pouliot:** It's been almost four years, Minister. Where have you been?

**Mr. Speaker:** Order. If there is not order, it might take 31 years to get an answer. Minister.

**Hon. Mr. Fulton:** I am advised by one of my colleagues that, in fact, the Conservative government got four elections out of that promise.

**Mr. Jackson:** You're doing the same thing with hospitals.

**Mr. Speaker:** Order. Does the minister have a direct response?

**Hon. Mr. Fulton:** It is such a pleasure to be back.

To answer the member's question, we are on record. We are committed to concluding Highway 416 from Century Road to Highway 401 in the area of Prescott as soon as possible. But what we are doing now, as we promised and are committed to do and will continue to its completion, is the most difficult and most cost-intensive section, which is from the Ottawa Queensway to Century Road. We will provide funds at the earliest possible opportunity for the balance of the section to Highway 401.

#### DEGRADABLE PLASTICS

**Mrs. Grier:** My question is for the Minister of the Environment and it concerns degradable plastics. During the discussion of the estimates of the ministry, the minister shared my concern about degradable plastics and said: "The great fad today is biodegradable and photodegradable....If you wonder why we have not embraced it, it is because the jury is still out on it....Our thrust there is recycling instead of biodegradable at the present time."

I endorse that position taken by the Minister of the Environment. I would like to know if it is, in fact, still his position; and if so will he undertake to communicate with his colleague the Minister of Consumer and Commercial Relations (Mr. Wrye) who, under the guise of the Liquor Control Board of Ontario, is circulating bags that say, "This bag is photodegradable to help our customers contribute to a cleaner and healthy environment"? What is the Minister of the Environment going to do about this distribution?

1420

**Hon. Mr. Bradley:** How long do I have to answer, Mr. Speaker?

**Mr. Speaker:** I do not usually answer questions, but 48 seconds.

**Hon. Mr. Bradley:** The member is quite correct in saying that for those who have advocated biodegradable or photodegradable materials as the prime solution to the problem of plastics and the disposal of plastics, I do not think, with the evidence I have seen, that it is the answer a lot of people in this world seem to think it is. There may be a place somewhere along the line when the necessary tests have been done.

I happen to believe that recycling is the very best thing to do and there are many products that can be recycled. The member will know, for instance, that I have met with the Society of the Plastics Industry of Canada in the province and have indicated very clearly, and they agree with me, that recycling is the major thrust. Whether in the future there is a role for photodegradable or

biodegradable products in specific instances remains to be seen. Of course, it is a message I am happy to share with everyone including people within my own ministry. I think within my own ministry there are people who have in the past looked at photodegradable or biodegradable—

**Mr. Speaker:** Thank you. The member may have a supplementary.

**Mrs. Grier:** I did not hear a commitment to ask his colleague to stop distributing these bags. The plastics industry itself is very concerned about degradable plastics. First Brands (Canada) Corp. who make Glad Bags have not adopted the technology. The Society of the Plastics Industry of Canada has not endorsed the process and the minister's own recycling advisory committee recently urged the minister to place a moratorium on the use and marketing of degradable plastics until such time as sufficient research is conducted to evaluate the potential effects of their use.

The minister says and acknowledges that is what needs to happen. Can the minister accept this advice and tell us when he will prohibit the sale and distribution of degradable plastics in this province?

**Hon. Mr. Bradley:** I wanted to save my answer for the supplementary, because I wanted to hear the second question the member was going to ask. I would say to her, first, that the Ministry of the Environment is funding a study to see if plastics break down into harmless by-products as some people contend. I want to assure the member that I am glad she is joining me now in this particular crusade to be very cautious about the potential use, which many environmentalists in years gone by saw as being a reasonable use, of biodegradable or photodegradable products.

I would be happy to share with the Liquor Control Board of Ontario my point of view and the point of view the member shares with me, one which I think is being expressed far more by those in environmental groups. There are still people out there, I will say, who believe this is the answer to everything. I think she would agree that in the long term we have to look at those studies and see what they reveal. I can assure her that the major thrust I will push with the companies and with everyone in the province and North America and Canada and the world is that of—

**Mr. Speaker:** Order. It seemed like a very broad answer. New question.

## VOTING BY PRIVATE MEMBERS

**Mrs. Cunningham:** My question is for the Premier. He stated in this House on January 12 to the citizens of Ontario that he is committed to allowing a free vote on Bill 113 and Bill 114. Does he still honour this commitment?

**Hon. Mr. Peterson:** I think I said that every vote in this House is a free vote.

**Mrs. Cunningham:** The Premier's response is most interesting. The chairman of the standing committee on administration of justice stated just a week ago in a letter dated January 20 that there was "never a promise of a free vote."

He further stated that the Premier's commitment on January 12 "did not constitute a freedom of members to vote their own views." Will the Premier allow his members to vote their own views on Bill 113 and Bill 114?

**Mr. Speaker:** Order. I have a point of order here.

**Mr. Callahan:** A point of privilege.

**Mr. Speaker:** I am sorry: I cannot accept a point of privilege during question period.

**Mr. Callahan:** On a point of order, Mr. Speaker: This member very nicely presented a press release to the press gallery this afternoon which represented only one half of a letter that I sent in response to her leader and she is about to ask a question based on that. In fairness, I think when one is going to quote a letter, one should quote the entire letter.

**Mr. Speaker:** Order. On many occasions, many members have their own points of view. I believe the Premier was ready to respond to that supplementary.

**Hon. Mr. Peterson:** I think the member for Brampton (Mr. Callahan) responded far more ably than I could ever do.

## IRRIGATION

**Mr. Dietsch:** My question is to the Minister of Agriculture and Food. The minister will recall that on July 27, 1988 and again in September, he met with a group of farmers on the irrigation committee from the town of Niagara-on-the-Lake. We are now in the advertising stages of presenting a private bill entitled the Town of Niagara-on-the-Lake Irrigation Act, concerning the conversion of drainage ditches to irrigation ditches during the dry season, which will considerably improve the crop quality and the productivity for farmers who participate.

Will the minister please relate to this House his comments regarding this very worthwhile project in St. Catharines-Brock?



**Hon. Mr. Riddell:** I know of the member's continuing interest in this matter, particularly after last summer's drought, and the support he is lending to the producers in the Niagara region. I will say to the member that the conversion of drainage ditches into irrigation channels impacts on a wide range of statutes and the common law, and any act that proposes to address the situation will have to be carefully drafted to accommodate the existing legislation and protect the rights of all the property owners who may be affected by the conversion. My ministry will be reviewing the private member's bill with these thoughts in mind.

**Mr. Dietsch:** The minister is certainly well aware of the benefits accrued from these types of co-operative projects and the need to be more innovative in the agricultural industry today. More particularly, I am asking if he would lend his support to this type of project, which I believe will be an innovative approach that will help against droughts and improve agricultural productivity throughout the whole of the province?

**Hon. Mr. Riddell:** For farmers wishing to use municipal drains for irrigation, a bill such as the one the member is proposing may be the best solution, given the local situation and the complexity of provincial, federal and international laws affecting water.

I do commend the member for his initiative in bringing local farmers and municipal officials together behind this bill in order to meet the needs of his area.

#### CHILD CARE

**Mr. Allen:** To the Minister of Community and Social Services: The minister cannot but be struck by the fact that the 1,600 inspection reports reviewed by the *Globe and Mail* abundantly confirm Sharon West's study of last May that was presented to him on child care in Toronto, which concluded that commercial day care centres were less likely to meet the requirements of the Day Nurseries Act or more likely to have a complaint lodged against them than any other type of operator, and required more visits than any other type of day care centre.

In light of the growing evidence before us, why has the minister not put in place a time-limited program for the conversion of commercial centres to nonprofit status?

1430

**Hon. Mr. Sweeney:** I would point out to the honourable member that of the 22 centres that were identified in the Friday and Saturday versions of the *Globe and Mail* report, 10 were

nonprofit and 12 were commercial. That is pretty close to a 50-50 split. In each case, the reporters identified a particular problem and in each case, as I recollect it, that problem was cleared up very quickly afterwards.

The honourable member is aware of the fact that exactly the same inspection procedures apply to both nonprofit and commercial centres. The honourable member is also aware of the fact that if any of our inspectors find a particular problem, they will go back to that centre, regardless of whether it is nonprofit or commercial, as many times as necessary to get the problem fixed or to close it.

**Mr. Allen:** The reply ignores the fact that the number of infractions per child care centre and return visits by inspectors to commercial centres in order to monitor compliance far exceeds those of the nonprofit sector.

The select committee on health of this Legislature recommended a conversion program to the minister regarding incentives, parent representation and time-limited implementation. The Ontario Coalition for Better Child Care is now calling for a similar program to be announced by the minister within the next 30 days, if he can possibly meet that deadline.

Does the minister agree that the proposals of the child care coalition and of the committee of this Legislature provide a framework that will ensure better child care in Ontario, and will he put such a plan in place in the near future?

**Hon. Mr. Sweeney:** It is very clear that all the new initiatives for the past two or three years in Ontario in terms of government funding have been for noncommercial centres. As a matter of fact, the member may be aware of the fact that when I became minister, the ratio of commercial to nonprofit was almost 50-50. I think it was 48 per cent to 52 per cent. Today, the percentage of commercial centres in Ontario is less than 40 per cent. It is down to about 38 per cent or 39 per cent. Therefore, there is obviously a very significant shift taking place.

The second point is that New Directions in Child Care clearly said that was something we would be prepared to initiate and encourage. The new legislation that is being drawn up at the present time will certainly require parent representation on all boards, whether they are commercial or nonprofit. As the honourable member well knows, even all nonprofit centres do not have parent representation on their boards.

However, the one thing I am not prepared to do, as I have already answered, is to buy out commercial centres and turn them over to

nonprofit organizations. Quite frankly, with the dollars I have available to me now in that budget, every one of them—

**Mr. Speaker:** Thank you.

#### TRANSIT SERVICES FOR THE DISABLED

**Mrs. Marland:** My question is to the Minister without Portfolio responsible for disabled persons. I would like to read him a brief quote from the Toronto Sun: "Wheel-Trans is in a mess and Metro's disabled people are missing exams, job opportunities and appointments," says Mona Winberg, columnist for this leading Metro newspaper.

She is not the only spokesperson for the disabled who has spoken out recently about the poor service disabled persons are getting when it comes to their transportation needs. When is the minister going to take a leadership role and remedy the transportation problems facing the disabled in Metro today?

**Hon. Mr. Mancini:** As the Legislature will know, this year Wheel-Trans has been taken over by the Toronto Transit Commission, which I believe is a good solution in the long term to the problems that existed at Wheel-Trans in the past.

I want to say to the honourable member that I have been well aware of the difficulties that the transition has caused. I have personally been on the phone to the most senior officials at the TTC to find out exactly what the problems were. They explained to me that the majority of the problems were caused by the transition. They felt that within a short period of time the transition would be over and they could restore service to an acceptable level. I am continuing to monitor the situation and I am hopeful that the acceptable level of transportation that we would want to give the disabled will in fact be in place in the very near future.

**Mrs. Marland:** In the fall of 1986, which is now two and a half years ago, this Liberal government established an interministerial committee to review transportation policies and programs for people across this province with disabilities. We have asked the minister on many occasions for the report of this committee, including last November during estimates at which time he promised it would be released very soon.

It is now February and we have not seen or heard a word about this interministerial committee report. When is the minister going to release the report, and will he act upon it or will it just sit on the shelf along with all the other reports that his ministry has commissioned?

**Hon. Mr. Mancini:** I do not know what the honourable member is talking about when she refers to reports which have been commissioned by the Office for Disabled Persons that are sitting on the shelf. That is absolutely not the case.

I want to say to the honourable member, as I told her in estimates—we had quite a pleasant exchange during the estimates procedure, and I believe that I gave the members of the committee as much information, or at least all the information that I had—the interministerial committee was working on this report, the report was near conclusion and as soon as the report was available for public consumption the report would be made available to all concerned. We have not in any way backtracked from our view that the report should be made public as soon as it is available.

#### PRIVATE SCHOOLS

**Mr. McGuinty:** In response to concerns from constituents of Ottawa South, and indeed on behalf of people in other parts of Ontario, I wish to ask the following of the Minister of Education: Because of the growth of alternative and independent schools in Ontario, 205 schools with over 55,000 students, can the minister tell the Legislature when these schools will get a clear definition of their legal right to exist by changing the requirement for an annual intention to operate, which is now left to the minister's discretion?

**Hon. Mr. Ward:** I would like to assure the member for Ottawa South that there is no question whatsoever as to the continuing right for private schools to exist in this province. I think this province has long recognized the fundamental right of parents to choose alternative forms of education, albeit at their own expense if they choose a school outside of one of the two publicly funded systems.

The member is correct in pointing out that the submission of a notice of intention to operate is a requirement of the Education Act, but far from being a vehicle for the exercise of ministerial discretion, I think the member should note that indeed it does serve a very useful administrative purpose in terms of the reporting and collection of data that are necessary to my ministry.

The member will also recognize that the province does have a constitutional obligation in terms of the provision of elementary and secondary education for each and every one of those children of school age in this province, that we do in fact have an obligation to make a determination as to a satisfactory level of



instruction, and frankly we have an obligation to provide inspection. All of this is, I believe, part and parcel of the need for a notice of intent under the act.

**Mr. McGuinty:** In view of the fact that British Columbia, Alberta, Saskatchewan and Quebec now provide from 30 to 80 per cent of operating funds for alternative and independent schools, is Ontario contemplating doing the same thing?

**Hon. Mr. Ward:** The member will know that some two or two and a half years ago a report was undertaken, initiated by the former government, the Shapiro report on private schools, which provided us with a very excellent analysis of the many issues surrounding the provision of alternative or independent education in this province.

I will say that I do not believe the approach taken by other jurisdictions in Canada is necessarily the most appropriate approach for this particular province. As I have stated on many occasions, our first priority is in terms of the funding of the publicly funded systems in this province, and beyond that we have no intentions at this time to provide funding to alternative schools.

1440

#### DETROIT INCINERATOR

**Mr. D. S. Cooke:** I have a question to the Minister of the Environment. I am sure the minister is aware that Greenpeace had a press conference this morning in Detroit, at which time it released statistics and information about the world's largest incinerator, which is about to start up in Detroit. Is the minister aware that their statistics and analysis indicate that the ash at this incinerator exceeds levels set by the United States Environmental Protection Agency standards by six to eight times?

In view of the fact that the Premier (Mr. Peterson) and the minister himself have met with officials in Michigan and received assurances from Governor Blanchard that if this incinerator proved to be unsafe—the governor of Michigan promised that he would enforce the rules and make sure that there were scrubbers put on this incinerator. Is the minister prepared to ask the Premier to contact the governor of Michigan to make sure that this promise and this special relationship is fulfilled?

**Hon. Mr. Bradley:** First of all, I know the member did not have time to indicate that the government of Ontario has been in the courts of the United States, and at a lower level of court, the judge—

**Mr. B. Rae:** You had Ian Scott there.

**Hon. Mr. Bradley:** No, we did not in that case. The judge ruled against us. The judge who was appointed at that time ruled against us. In fact, yesterday in the US circuit court of appeals in Cincinnati we made our case to the United States courts. We are the only ones in that court as far as a government is concerned, the member will know. No other government is involved in that particular court case. We hope to defend the people of Ontario and in fact probably the people of that area as well.

We have been in the forefront of fighting against the Detroit incinerator. Leading the way, we have not accepted any of the excuses. I have personally met with the mayor of Detroit to indicate very strongly the position of the province. There have been meetings between the Michigan and Ontario officials. I tell the member that such an incinerator could not be constructed in Ontario with the kind of pollution controls they are suggesting, and I tell him that we intend to pursue all of the commitments which have been made. Those commitments relate to contacts between the province of Ontario and the state of Michigan to ensure that the state fulfils the promises made to Ontario.

#### PETITIONS

##### TEACHERS' SUPERANNUATION

**Mr. Miclash:** I have a petition which reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than on the present seven or 10 years.

"This proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present treatment."

This has been signed by 231 people. I have attached my name as well.

##### MATHER WALLS HOUSE

**Mr. Miclash:** I have a petition which reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We wish to support the Lake of the Woods Historical Society in their endeavour to operate the Mather Walls House as a historical exhibit activity centre. We feel to use the Mather Walls

House as a bed and breakfast outlet is a very serious misuse of a beautiful heritage building. It would be of much more benefit to all of northwestern Ontario as a historical period exhibit."

This has been signed by 241 people, and I have attached my name as well.

**Mr. Speaker:** I find that with all the private conversations, I have to turn my hearing aid up. Perhaps I could have the attention of all members. The member for Markham with a petition.

#### YORK REGION LAND DEVELOPMENT

**Mr. Cousens:** This is in proper format, unlike some of the other ones we receive.

"To the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the dramatic growth rate in York region has placed extreme pressure on the municipal planning process and given that serious allegations have been made regarding the integrity of this process in York region, we strongly urge the provincial government to conduct a full and open public inquiry into the municipal planning process and land development practices of York region."

These come from people in Markham, Unionville, Thornhill and even some from Richmond Hill and King City from the riding of York Centre.

#### INTRODUCTION OF BILLS

##### TOBACCO SALE TO MINORS STATUTE LAW AMENDMENT ACT

Mr. Sterling moved first reading of Bill 215, An Act to amend Certain Acts Concerning the Sale of Tobacco to Minors.

Motion agreed to.

**Mr. Sterling:** This bill puts some bite into a toothless law we now have in Ontario. It increases fines from a range of \$2 to \$50 to \$200 to \$5,000 for an offence in selling tobacco to a minor. It also introduces a measure of controlling the sale of tobacco to minors through the utilization of our vendor permit system under the Retail Sales Tax Act.

##### CROWN EMPLOYEES COLLECTIVE BARGAINING AMENDMENT ACT

Mr. D. S. Cooke moved first reading of Bill 216, An Act to amend the Crown Employees Collective Bargaining Act.

Motion agreed to.

**Mr. D. S. Cooke:** Subsection 18(1) of the act provides that, "Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage..." and that the employer has the right to determine specified matters as part of that function.

The purpose of the bill is to remove superannuation from that list of specified matters which would then give the union the right to negotiate pension benefits.

#### ORDERS OF THE DAY

##### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** The order of the day is that last item of business consequent upon the passage of government motion 20, the allocation of time for the consideration of the two bills, 113 and 114.

As I call the third order, I want to indicate that I believe the whips have been discussing this matter, and the Clerk and I were chatting as well. I want to be clear as we now proceed this afternoon to this item of business that we are all agreed, because I think there is a general sense of understanding as to how we might do this. As I call the third order let me be clear, and then I will call the fourth order. Perhaps my friends opposite want to make some comment as we try to arrange the time this afternoon in a way that will be satisfactory.

**Mr. D. S. Cooke:** I am not exactly clear on what the government House leader is doing, but if I understand him correctly he is calling the third order now. I would suggest that he call the fourth order at 5:30 and we can adjourn the debate on the third order at 5:30, but I do not think we should be doing two bills on third reading at the same time in the House.

1450

**Hon. Mr. Conway:** If I might, I simply want to remind everyone that the order that governs this particular business at the present time says, and I quote from the order that was passed in the House a week ago yesterday, I believe, on January 30, "Further, that there shall be one sessional day allocated to the consideration of Bill 113, An Act to Amend the Retail Business Holidays Act, and Bill 114"—

**Mr. Wildman:** That's why it was out of order.

**Hon. Mr. Conway:** I just want to be clear that the order indicates that we shall do the third reading of the two bills together on the fourth sessional day that is set out in this motion. We had had some discussions. Quite frankly, the



reason I am doing it this way is that I thought there was an accommodation. I do not think there is a problem here. I just want to make it easy for everyone.

Perhaps in interpreting this, Mr. Speaker, you can be helpful. It seems to me we have two choices within that possibility. My thought was that we would move the two bills together for third reading, because that is certainly the way the order is written, and then by an agreement among whips we would divide the debate accordingly. That would allow the two ministers to rise in their places and move the respective bills, resume their places and the third reading debate, which is quite clearly indicated in the order, could then take place.

I know my friends opposite have been talking about perhaps another way to facilitate something of the same end, which is what the government wishes in this respect, and I want to be clear. We want to be able to take the votes on the third reading of these two bills at 5:45 this afternoon. I really would like some comment, if my friends opposite want to speak to that.

**Mr. Harris:** I will be very brief. I think the situation we are in, and the point was raised by both of our parties, indicates the great difficulty in trying to do two bills in one time allocation motion. I understand, though, that motion has been passed and in fact ruled in order by you, Mr. Speaker.

I do not have a great hangup one way or the other. I am a little concerned about the precedent of actually debating two bills at one time; and I will be agreeable here, I think it is clear that we have passed a motion that there are going to be votes today and I do not see any way that I can precipitate anything that is going to change that.

I would offer as a suggestion as well that I would not be opposed, if Bill 113 were called, if there was some degree of latitude in the Speaker's calling people to order if they are sensed to be straying into Bill 114 in their comments on Bill 113. I suspect that might be less of a transgression on the rules than doing both bills at one time.

Unfortunately, we just started to talk about this a few minutes ago. We would like to facilitate the time as best we can, and I do not think we particularly want two individual wrapups on two individual bills.

**Mr. R. F. Johnston:** It will take the wisdom of Solomon, I think, to sort this out, but it strikes me that the difficulty in trying to do both at once is that the language of the motion, as read by the House leader, does not say that these things shall

be done at the same time, but rather that during that time period these things will be accomplished.

Inasmuch as, for instance, we did not deal with the two bills concurrently in committee of the whole dealing with amendments to each of those bills, at this time it would be very wise, it seems to me, to do what we have done in the past; that is to have the bulk of the debate here on Bill 113, on which it has all centred up to this point, and to have that end at a certain time; and then in a very perfunctory way have the second bill dealt with; and as the Conservative House leader has said, allow members some latitude in their statements making their case around the two bills.

That would be the easiest way of dealing with it, unless in your infinite wisdom and with the great assistance of the table you have an easier solution to it, Mr. Speaker.

**Hon. Mr. Conway:** If I might, Mr. Speaker, I think there is a sense of this meeting and I would be quite prepared to simply recommend that the way we interpret the orders this afternoon is that we proceed with the third reading debate of Bill 113 along the line suggested by my friends the member for Windsor-Riverside (Mr. D. S. Cooke) and the member for Scarborough West (Mr. R. F. Johnston), and agree now to conclude that not later than 5:30 p.m. In that way, we can at least have 15 minutes in which the Minister of Labour (Mr. Sorbara) can move third reading of Bill 114 and have at least a 15-minute debate so that we can conclude at least a short debate on Bill 114 and take, as the motion clearly indicates, all votes regarding the disposition of both bills for third reading at 5:45.

If that is agreeable, I would seek unanimous consent for that interpretation of this motion for today's purposes.

**Mr. Speaker:** If I may just read the order as set out by the House:

"Further, that there shall be one sessional day allocated to the consideration of Bill 113, an Act to amend the Retail Business Holidays Act, and Bill 114, an Act to amend the Employment Standards Act, together at the third reading stage and that on that sessional day, the Speaker shall interrupt the proceedings at 5:45 p.m...."

That is the wish of the House. In order to maintain that wish, the Speaker feels that it would be best to handle them together. However, the request has been made for unanimous consent to deal with Bill 113 from now till 5:30 and with Bill 114 from 5:30 to 5:45.

Is there unanimous agreement?

Agreed to.

# RETAIL BUSINESS HOLIDAYS AMENDMENT ACT

## LOI MODIFIANT LA LOI SUR LES JOURS FÉRIÉS DANS LE COMMERCE DE DÉTAIL

Hon. Mrs. Smith moved third reading of Bill 113, An Act to amend the Retail Business Holidays Act.

**Mr. Speaker:** Does the minister have any opening commentS?

**Hon. Mrs. Smith:** I will reserve those for the concluding remarks.

**Mrs. Cunningham:** I guess this debate this afternoon will bring discussions to a close and I am certainly pleased on behalf of the opposition parties in the House to debate a bill that will go down in history in this province as a bill, we think, that will change the way of life and the quality of life for families in Ontario in a way that has never happened before.

I think that Bill 113, over a period of time—slowly, for certain—will definitely allow Sunday shopping to a much greater extent than we already have it in this province. It is one that will impact on families and on the way we live in this province in a way we will not be proud of.

For most of us who I think have been very happy with the way we have been allowed to manage our time in a very busy and changing world, it has been really wonderful to live in Ontario where we can be assured that only people in professions or in the workplaces who are very necessary to the management of our lives on a daily basis right now have to work on Sundays.

We do have in our province a Retail Business Holidays Act that does allow, for economic reasons more than anything else, certain retail stores to open on Sundays. Those retail stores that are open now are there in areas that are defined as tourist areas. They are somewhat controversial, but certainly governments of the past have thought it extremely necessary during the history of this province, for business purposes, for Ontario to be competitive and for us to support what we think is probably one of the larger, more important industries in our province, and that is tourism.

I do not really think that the public understands the far-reaching effects of this particular piece of legislation, because it is complicated and it is one that the public will not really understand until it affects it in its own neighbourhoods and backyards. But people who were involved in the tourist industry came to us and were well

represented by their own groups and individuals, both large organizations and very small family businesses, and told us: "We just do not know where we stand. We have been put into a position now so that we cannot plan for our future, because this particular piece of legislation will allow municipalities to open, or close, retail businesses and any other kind of business that is open on a Sunday."

### 1500

When it comes to openings on Sundays in the retail business world, our province truly now is in a state of chaos because people are not quite certain what the implications of this legislation will be. We know it will not be simple to solve the problems that will be brought forth with this particular piece of legislation.

I suppose the greatest disappointment today is that the position in which we find ourselves in Ontario could have been avoided. No longer will a common day of pause be entrenched in the legislation of our province, and that is why this particular bill is so historic. No longer will we be able to tell the citizens of Ontario that they can be assured of a common day of pause, of no more working than what we have now on Sundays, because of Bill 113, which of course is an amendment to the Retail Business Holidays Act.

If we take a look at the history of this particular piece of legislation, it is even more disappointing to have to stand here today and talk about democracy: a democracy that we have always taken for granted and have been very proud of. That is why we choose to live and work in this province. We are admired by people around the world because we have been, I think, an open government in the past.

We in this province have been proud to be part of the workings of the Legislature of this province. The one thing we did not expect at this particular point in our history was to be speaking to a bill that was one that was not expected and was promised would never be presented before this House, because during the election in September 1987, the Premier (Mr. Peterson) did state that he would be supporting a common day of pause in Ontario and that he would not be looking at a municipal option as opposed to legislation that supported that common day of pause.

It is true that the Retail Business Holidays Act, as it is presently written, does have a few minor flaws. Those flaws have been taken care of by the amendments to the bill as presented on the very first day of the introduction and through the deliberations of this bill before the standing



committee on administration of justice. Very quickly we had a consensus among the members that one of the three problems could be dealt with, and that was, of course, the problem of enforcement. We know right now that there is power within the existing legislation that we are not taking advantage of. We know at this particular point in time that fines are not being levied to the extent that they could be.

We have a case in court in southwestern Ontario right now where a judge is being challenged on the amount of fines that were given to a particular business that flouted the law over a period of some months on nine different occasions. I stand to be corrected, but I think that particular business was levied some \$900 worth of fines, if that. We do have the clout within the existing legislation, but we simply did not use it.

The government advised us that we had a real problem, and it also told us it wanted to increase the fines. We agreed with them, so that particular point was dealt with very quickly in the committee hearings.

Before we went out for public input across the province, we also talked about the problem of enforcement. The government advised us it would want a clause in the amendments that gave the government the power of injuncture. We agreed immediately to that. Therefore, over a period of a couple of days we agreed on two of what the government advised us were rather significant problems with the present legislation.

The third problem with the legislation was a problem for the government. This particular problem had to do, in their view, with the definition of tourism. I think we were misled in some ways on the very first day of the hearings, because the government advised us that this particular piece of legislation could not be upheld in the courts. Over a period of weeks and upon doing our homework and asking the question on a number of occasions, we were convinced that the present legislation could be upheld in the courts; the only real problem was that the definition of tourism had to be expanded and improved upon. Most members of the public who came before the committee advised us that they would be more than happy to assist us in a definition of tourism. They were not asked to assist at any time and they have not been asked as a result of the committee hearings.

There are those of us who gave up a number of weeks to hear the public because we seriously thought in the beginning that the government would listen if we did get a very loud response from the public on these different issues. I am sad

to say, as a fairly new member to this Legislative Assembly, that I was very much disappointed, because of 500-plus presentations both oral and written, we saw the vast majority of people suggesting they did not want what we have commonly referred to as the local option.

The local option really means that instead of the province and this government taking a very strong stand on which additional retail establishments can be open on Sunday, it will delegate that responsibility to the municipalities. I can assure you, Mr. Speaker, that is exactly what section 4 means. The province has decided that any additional openings or closings should be decided by the municipalities. That is the only part of the legislation we had a great deal of objection to.

In fact, the Premier stated on the third day of the public hearings that the local option was not negotiable. It was very disappointing to those of us who thought we were playing a big role in a democratic process to know that the Liberal members of the justice committee had been given their marching orders. In fact, they were given a document of questions and answers; all of us are aware of the document. I think that was an insult to the elected Liberal members of that committee who were there prepared to listen and to take a stand on their own. I would say quite frankly that they were not allowed to do so.

A little bit about the process, because the public should know that some tens of thousands and maybe hundreds of thousands of dollars—were spent on this process. People's expectations were raised.

## 1510

That is a very real concern because when we take a committee out across Ontario, we ourselves are committing our time. That is what we have agreed to do as elected members of this Legislative Assembly. It is part of our job to listen to the public, to formulate our views and to take a stand, frequently based on what our constituents want.

As we travelled the province, the other part of this particular picture was the intensity and commitment to appearing before us of members of the public, sometimes on very hot summer days, sometimes travelling hundreds of miles, sometimes giving up their own days at work and holiday time because they felt so strongly about this issue.

I was truly amazed at the response we got. I was told that the only other bill that received more response was Bill 30. That was the act that extended funding to the separate schools in this

province. I think that says something on behalf of the people in Ontario.

I should state that I said on a number of occasions as we travelled the province that the public is serious about this. They have been serious about important legislation in the past. Elected members will just have to suffer the consequences of their decisions. That is historical. It has been proved. This party knows that better than any other party, I suggest, and I think this strong, very large Liberal majority government will know how that feels after the next election. That is not my observation, but the observation of hundreds of members of the public who came and spoke to us and wrote this point of view to us in their correspondence.

I think the petitions that were read in this House represented the views of what the Premier would refer to as the little guy: the person who walked through a shopping mall and took the time to put his name to a petition, the worker who worked in a retail establishment who felt very strongly about the hours of work he was already prepared to perform on behalf of the public and in the public service as he works in a very large industry, the retail establishment.

I should go on to say that there were church groups, business groups, unions, small businesses, automobile dealerships, retail workers, students and teachers' federations. I do not think there could be a larger cross-section of society represented in this debate. Without exception, they told us they liked the way things are now. They think we work and live in a different world, one that works more quickly and one that is more challenging. The challenge to the family in these times is enormous, it is intense.

In my role as the critic for the Ministry of Community and Social Services, I see almost on an hourly basis the concerns of families because of the challenges of today's society, and I know the government hears them as well.

What have we done as we have tried to solve the problems we have been facing just this past weekend? We have been looking at the problems of families. We have been looking at young people who because of their troubled lives are no longer welcome to live in their own homes. We were looking at young people who in fact are in trouble and are put into locked institutions. We are looking at young people who are crying out for help.

We are looking at people who are being pressured, right at this very time, into making decisions for their own lives and trying to balance their school work around their studies. We are

looking at young people who are struggling in young families to put food on the table and to buy homes. Because of that, we have families where two people are choosing to work so that they can buy that home.

The challenges to this government are significant. We should be spending our time today debating the cost of housing. We should be talking about building schools for our young children and families. The issues of the environment are overwhelming. Should I end by saying we should be talking about health care?

Most of us are representing the public. The public has put this forth on its agenda as being extremely important. We have received literally hundreds of thousands of names on petitions and hundreds of people chose to speak to our committee as it travelled across this province. We have had the kind of response to an amendment to a piece of legislation that we did not expect, quite frankly. We did not expect to get this loud, vocal response. This very small opposition caucus and our colleagues in the New Democratic Party opposition caucus have had to make it our business to represent the public in a way that we probably never have had to do in the past.

For some reason, during the reading of the petitions, we saw very few Liberal members reading their own petitions. In fact, on four or five occasions, I checked with Liberal members and read petitions from their own ridings. I am sure that is not something those particular members are proud of. We do not know what has happened to this government. We have no idea where the push for this amendment is coming from. We have no idea. As recently as yesterday the Premier, as he was speaking to a group of secondary school students in the town of Picton in southwestern Ontario, talked about opposition to this bill.

**Mr. Campbell:** In southwestern Ontario? You better tell her where it is. Did you guys move it?

**Mrs. Cunningham:** In southeastern Ontario; I stand corrected. I certainly know where Picton is. I spent many days there in my childhood.

At the same time, the members of the public who felt very strongly about their quality of life and their common pause day were referred to as participating in "emotional hysteria." Those were the words of the Premier. That is not a very positive description of a very concerned public, the people whom we are here to represent and sometimes protect.



That is what this bill is all about. It is protecting people from having to work even more than they already do, from having to work more on Sundays. That is what this bill is all about and that is why we are speaking as strongly as we are today.

I should tell members there is a precedent for this amendment. The precedent for this amendment is in New Brunswick. We have been in constant touch with that province because we were very serious during the public hearings and during the deliberations of the standing committee on administration of justice to put forth amendments that would make a difference, amendments we could support and amendments we thought could work.

During that process, we in the Conservative Party put forth an amendment that would put the responsibility for more Sunday openings back on the province. That amendment allowed for public hearings and for an appeal process. It was an amendment that had been carefully thought out and changed over a period of time in consultation with other provinces, and in particular with the province of New Brunswick. It was an amendment that would have met the needs of the people of Ontario and that I think would have assisted the government in polishing and making better a piece of legislation it thought was not working.

We thought we were extremely responsible in coming forth with that amendment, which in fact was spoken to by one member of the justice committee. The debate took less than 15 minutes. I should tell the members, as the author of that amendment, that it took us literally weeks to put it together. There was no serious deliberation in that committee on some very important amendments put by both the New Democratic Party and by the Conservative Party, absolutely none.

1520

For many members—I am glad to say it is not so today—this legislation is one that has been joked about, one that has been spoken about in derogatory terms, one that has been treated extremely lightly and one that has no place on the public agenda of the Liberal government.

Happily, I think the Liberal members are having to think seriously about the way they are going to vote today. We tried earlier this afternoon to ask the Premier again, because we were confused, in all honesty, about what he meant by a free vote. We did have reason to believe certain Liberal members were not feeling comfortable in standing up and giving their point

of view freely and representing the public that elected them. As we tried for clarification, which I think we got, the Premier certainly stated a free vote was in order. We are hoping we will see representation in this House of the people in Ontario as the Liberals place their votes.

It is a grass-roots fight. It is one the people feel very strongly about and one they will remember for a long time, not only politically but because of the fact we will see extended Sunday shopping. People refer to the effect of this bill as the domino effect. It is very sad to think right now that people are so tremendously unable to plan their own businesses and their own personal lives.

Interjections.

**Mrs. Cunningham:** When I say that, I think that is indicative of the way the government has been operating more recently. They continue to joke as I speak now about what we are calling management. I think they are having difficulty getting their particular management skills together in many of their portfolios, but why would they pass that problem on to the retail businesses across this province? The tourist industry is in an absolute uproar. They have no idea how long their industries will be allowed to operate in the way they are operating now.

There are other parts of this legislation we could be discussing today. We do not want to confuse the public any more than this bill confuses them by raising the issue of the size of drugstores, by raising the issue of the municipal option, by raising the issue of democracy itself. The public has spoken. They certainly spoke in London North in a very strong vote during a by-election recently. I am very grateful for this issue, one we did not expect.

Interjections.

**Mrs. Cunningham:** As we are constantly being interrupted this afternoon, I should say with regard to the interjections that if I were as uncertain about the way I were going to vote this afternoon, that is the stand I would take too. I should also say we will be looking with interest at the way the Liberal members vote as they represent the public. We certainly are expecting a full house.

I am not happy to be part of this debate this afternoon. It is a historic change for Ontario. I will close by saying we will no longer have the luxury, we will no longer have what I think is a very real need for families in this province and we will no longer have a common day of pause supported by this Liberal government.

**The Acting Speaker (Mr. M. C. Ray):** Are there comments or questions arising out of the speech by the member for London North?

**Mr. Miller:** I would like to rise and give a couple of comments on the statement by the member for London North. There is nothing in this bill that states anything about Sunday shopping. The bill clearly indicates it is to amend the Retail Business Holidays Act. I think the opposition has done a fantastic job of going around this province and not giving the proper information. I think the bill is clearly redoing legislation that should have been updated. It all came about because Boxing Day came on a Sunday about two years ago.

I think we are just relaying it. There is no possibility of change unless they want it changed. It goes back. If there are going to be changes, they can be made at the local level where the decision, in my view, can be the most effective.

In my lifetime, the businesses in the small communities have all organized their hours of shopping over the years. I can recall when Saturday night was a shopping night and they would stay open until 10:30, 11 o'clock and even 12 midnight. But the business people got together and decided they did not want to keep those kind of hours as things changed and unfolded. Nobody is pressuring stores to be open on Sunday if a community does not want it.

Again, the member has gone on for many months now promoting this and it is not really factual. I believe the bill is just upgrading the act and I am only too pleased to support it. It is going to fit into today's society and make it more effective and efficient for the general public of Ontario.

**Mr. Philip:** I have some comments on the statement of the member for London North. The member for Norfolk (Mr. Miller) seems to take the same theme the other Liberals have been taking recently, namely, that the two opposition parties are so competent we are able to hoodwink the public into thinking this is wide-open Sunday shopping.

I ask the member for London North, does she not think we must be really brilliant when we were able to hoodwink the Archdiocese of Toronto? In their recent letter, they said this will lead to wide-open Sunday shopping from their studies of what happened in British Columbia.

Does she not think that we, both opposition parties, must be terribly good in being able to convince all the small business groups, the auto dealers, the major church groups, the workers in

Ontario, the community organizations that have appeared before us, and indeed the municipalities that this will lead to wide-open Sunday shopping?

Are we not great communicators when we can put over this colossal hoax on all of these people, or is it possible in her opinion that perhaps all of these groups are quite intelligent, can make up their own minds, can read the legislation and have concluded for themselves that this will lead to wide-open Sunday shopping and that the hoax is by the Solicitor General (Mrs. Smith), not the opposition?

**Mr. Runciman:** I simply want to put on the record my thoughts with respect to the efforts undertaken by the member for London North on behalf of our party and the people of this province on this piece of legislation. Indeed, there has been a very serious evasion of responsibility on the part of the Liberal government in this province.

I want to say with respect to the member that she is a relatively new member of this House, but she has acted like a veteran. She does simply an outstanding job on behalf of consumers and people right across this province in representing their interests and concerns with respect to this piece of legislation. I want to say, as a member of the Conservative caucus, how proud I am and how proud all of our colleagues are with respect to the performance and the job she has done on our behalf.

1530

**Mr. Neumann:** I appreciate the opportunity to make some brief comments in regard to the remarks we just heard from the member for London North. It seems to me the issue has been placed where it should be: at the provincial level. This is a bill to amend the Retail Business Holidays Act, not to abolish it. The member should realize, and I am sure she does, that it was her party in 1975 which introduced the principle of municipalities having the local option through the tourism provision in the existing legislation. She should realize that the present legislation is fraught with problems and was crying out for reform and change and that this government undertook courageous action in stepping forward to reform this particular piece of legislation.

I would like to ask the member for London North (Mrs. Cunningham) why her leader has not responded to a letter which I sent to him. He sent me a letter suggesting how I should represent my constituents. I am quite capable of doing that myself and I do communicate with them. I answered his letter and I posed three questions to



him, but I never received a response. My questions, which I posed to her leader, asked what the position of the Progressive Conservative Party is, because while they have been very critical, they have never stated what they do if they were in office with respect to defining tourism at the provincial level.

Would they remove the local option which they put into the present legislation? Do they still believe in municipal decision-making, which they introduced, or would they abolish that and handle it province-wide with a tourism definition? What is the wording of this tourism reform in the province-wide legislation? They have not put forward the position of their party. To be constructive critics, they should do that.

**The Acting Speaker:** We have about a minute left. The member for Mississauga South.

**Mrs. Marland:** It really continues to be very interesting and almost, I suppose to a degree, appalling to hear the members of the Liberal government on this issue talk about responsibility being where it needs to be. If that were true on this issue, then why would it not be true on very many more issues? The fact that we have government members today saying that the municipal option will make it work is unbelievable to me. It just reinforces the fact that the Liberal government is dumping this issue on the municipalities which loudly and clearly have said they do not want it because it will not work.

I must say it is particularly interesting to hear the member for Brantford (Mr. Neumann) talk about his viewpoint in terms of where he thinks we should be and what we should do. The truth of the matter is that all parties in this Legislature signed an all-party report. We know what we would do if we were the government. If the member were being completely frank, he would support the committee report that the Solicitor General supported as a member of that committee.

**The Acting Speaker:** Thank you. Next, the member for London North. Do you wish to reply?

**Mrs. Cunningham:** I have a couple of observations. I think the remarks we have heard today are just indicative of the nonlistening capabilities of the Liberals.

The member for Norfolk talks about being misleading. We went into the committee hearings with the Liberal government saying that the common day of pause was part of the framework of the legislation. I can tell the member that after four days of hearings, they no longer said that was part of the framework. They were the ones

who were trying to mislead the government. I am very proud that over the period of months we have had we have been able to straighten this issue out and tell the public exactly what it means. It means extended Sunday shopping and it does not mean a common day of pause.

On the point that the member made about being naïve, I should just say I was naïve in the beginning, but I listened and I learned and I am no longer naïve about this bill. I know it and I understand it and we are right.

The member talks about the local level. The Association of Municipalities of Ontario does not want this responsibility for very good reasons: first, it is extremely expensive; and second, it is extremely divisive. It has been shown in provinces across this country how divisive this legislation is. Why do the Liberals not learn from other governments' mistakes? It is because they are not listening.

On that very same point, the real problem with members of this government is that they are afraid to bite the bullet on leadership because this is tough. I will tell them something else. Hundreds of people were prepared to help them with the definition of tourism and that is the only problem with the existing bill now. Did the Liberals want their help? They did not want their help. They do not want anybody's help, because somebody has told them that they have to vote in favour of this piece of crap, because that is what it is, and they are not prepared to stand up for what they believe in.

Interjections.

**The Acting Speaker:** Order, please. Are there any other participants in the debate? The member for Etobicoke-Rexdale.

**Mr. Philip:** I will be sharing the half hour allocated with my colleague the member for Cambridge (Mr. Farnan), who has done such an excellent job on this committee and who has served his constituents well in presenting their views. I therefore ask that the eight minutes of questions and comments be directed after the member for Cambridge speaks, and they can be addressed to either myself or the member for Cambridge.

**The Acting Speaker:** I am not privy to any agreements between House leaders with respect to this and I will enforce the standing orders.

**Mr. D. S. Cooke:** He is asking that there be an agreement.

**The Acting Speaker:** There is not a House leader here with whom there can be agreement.

**Mr. D. S. Cooke:** Ask the people in the House. It is not up to the House leader for the government; it is up to the people in the House.

**Mr. Breagh:** If I can help out, perhaps we can ask for unanimous consent to do it that way. I think the members are agreeable that we could do it that way and, if we have unanimous consent, that would assist us.

**Mr. D. S. Cooke:** We are dividing our time for our half hour, so we would like the two-minute responses to be held until our two people have spoken or else we will be able to have time for only one person to speak.

**Mr. Reycraft:** Mr. Speaker, there has been an agreement between the three party whips that each party will have 25 minutes and that the 25 minutes will include the time for questions and comments, so I do not have any objection to the request being made by the member for Windsor-Riverside.

**The Acting Speaker:** Let me get it straight. I understand that the member for Etobicoke-Rexdale and the member for Cambridge are going to speak for a total of 25 minutes.

**Mr. Philip:** And then we will have five minutes of questions and comments.

**The Acting Speaker:** And thereafter there will be comments and questions on the two speeches. Fine. Thank you.

**Mr. Philip:** It is rare indeed in the five terms that I have served the people of Etobicoke and Etobicoke-Rexdale in this House that legislation has been opposed by so many different groups in the community. This legislation is opposed by women's groups which see it as an attack on many of the single parents, most of whom are women who are not going to be with their families now on Sundays as a result of this legislation. They are not with their families on Saturdays and now they will not be with their families on Sundays.

It is opposed by small business owners who recognize that in many jurisdictions where this kind of legislation has happened those small businesses have been forced out of business or have lost large amounts of money. Indeed, I spent some time with Mr. Shin this afternoon, who is the editor of the Ontario Korean Businessmen's Association News and who expressed that very grave concern.

The auto dealers are opposed to it. They have said that it will increase the price of a new car by between \$150 and \$300 and that this has happened elsewhere. All major church groups are opposed to this legislation and have appeared

and told the members of the committee so. All workers who appeared before the committee said that they were against both this and the subsequent bill, Bill 114.

Community organizations and leaders came forward and said that they were opposed to this legislation. The Association of Municipalities of Ontario, representing a majority of the municipal leaders in this province, has said it does not want this legislation and it is opposed to section 4, which is the principle of the bill.

This legislation has a long history. First, the Premier could not make up his mind about what to do about it. Then he set up a select committee—a select committee costs some \$90,000—that went around the province. It cited as its first principle, "The committee supports the principle of a common pause day in Ontario."

**1540**

During the last election campaign, the Premier stated that he was in acceptance of both the committee recommendations and the principle of a common pause day. Six months later, his Solicitor General introduced this legislation. Then the government said it wanted the legislation passed in two weeks. We forced public hearings by introducing petition after petition, and finally the government agreed to at least have hearings so that the public could speak.

Then the Peterson government said it would listen to the public now that we were going to have public hearings. But before they did that, before the hearings, the Solicitor General sent out a package to each and every Liberal backbencher which included such information as a typical letter they can use to respond to their constituents. All of this defends the legislation or attempts to defend the legislation. This package even went so far as to quote a nonexistent research report. That is how desperate the Liberals were to justify this.

The Liberals said that they would listen and we saw how they listened. Of the presentations dealing with section 4, which is the municipal option, 402 were against the municipal option as compared to 26 in favour. In other words, 93.9 per cent of the presentations made to the committee asked that section 4 be withdrawn, but the government refused to withdraw it. While saying that they were listening to the public, the Solicitor General again sent Liberal members the portfolio saying that the municipal option was not negotiable.

The public demanded some changes in the bill in addition to the withdrawal of section 4. They demanded that minimum fines be included. We



moved that in committee, and the Liberals used their majority in the committee to quash it.

The public demanded that criteria be contained in the bill so that, if there was a municipal option, at least there would be some standards. We moved that in committee, and the Liberals used their majority in committee to defeat that.

The public asked for a provision for an appeal to the Ontario Municipal Board of decisions by municipalities affecting store hours. We moved that, and the Liberals used their majority in committee and in the House to defeat it.

The auto dealers asked for an exemption for themselves similar to exemptions in other wide-open Sunday shopping areas of the United States where at least auto dealers would be exempt. We moved that in committee, and again the Liberals used their majority to defeat it.

The Liberals would not even accept a simple amendment regarding the advertising so that the public could find out and regarding advertising in ethnic newspapers where there were large portions of the population in the municipality that did not normally read the English-language newspapers.

They defeated a simple review that we moved, which would be held in 1990, so that we could see the effect of this legislation. The Liberals were so afraid of their legislation that they defeated that as well.

The Solicitor General rationalized this flip-flop on Sunday shopping by stating that the tourist exemption was a problem, yet when AMO offered to meet with the minister and to work on a better definition for the tourist exemption, she refused its help. Indeed, as late as last Thursday, when I asked the minister in this House the municipalities in which a problem exists with the tourist exemption, she was not able to name them.

This legislation was brought in with very little forethought. It is fairly clear that there were no impact studies done. There were no impact studies to find out the effect of this type of legislation in other provinces, such as New Brunswick and Nova Scotia, where after two years the governments saw that it created such anarchy, such a mess, that they had to rescind the legislation. There were no impact studies on British Columbia to see what had happened there, where the municipal option in fact resulted in wide-open Sunday shopping, where 55 municipalities are now wide-open on Sunday despite the fact that many of those municipalities were not in favour of it in the first place.

There was no effort, in relation to the companion bill, to consult with the trade unionists or the businesses that would be affected by it. In essence, this is an ill-thought-out bill which is opposed by a majority of the citizens in this province, and the government does not have the courage to admit that it made a mistake and withdraw section 4 of the bill.

Tom Harpur tells the story of Albert Einstein, who once delivered a lecture at Harvard. When the applause at the end had died down, a bright young woman who was doing post-graduate studies rose and asked, "Dr. Einstein, I heard you speak at Yale some months ago, and what you said there seems to contradict what you have said here today." Einstein said, "When I spoke there, I was wrong." Albert Einstein had the courage, the conviction and the ethics to admit that he was wrong. This government, despite all the opposition and despite all the information it received in the hearings, does not have the courage to admit it is wrong.

It is a sad day for Ontario, but the fight will go on. It will go on in the municipalities and it will be carried on by the four million people who are represented by the Coalition Against Open Sunday Shopping and it will go on in the next election campaign. This government will suffer in the next election for not listening to the people and for going directly contrary to what they asked for.

**The Acting Speaker:** As agreed, the next speaker is the member for Cambridge.

**Mr. Farnan:** It is indeed a sad day. It is a sad day for democracy, a sad day for the traditional values that many of us hold so dear and a sad day for politics. It is a sad day for democracy because these bills represent legislation for which this government had no mandate. It is a sad day for the traditional values of home, family and worship that form the backbone of our society. In time, this legislation will affect the quality of life of hundreds of thousands, perhaps millions, of Ontarians. In time, more people will work on Sundays; many will have less quality time with their families.

It is a sad day for politics and politicians because the Peterson government has cheapened our coinage. Surely the people of Ontario have the right to expect a government to implement after it is elected what the government promised before it was elected. Surely the people of Ontario have a right to some honesty and integrity in government.

When the Premier in those lazy hazy days of summer went to the people of Ontario in 1987, he

did say he supported a common pause day. My friends, that is the tragedy. The tragedy of this particular day is the tragedy of the breakdown of democracy, because the people of Ontario brought in the Liberal government based on a premise that this government was going to be open and accessible. What they found out was that having been given a huge majority, this government then proceeded to put aside the promises to the people and take a route it had not discussed with the people and for which it had no mandate. My friends, that is not democracy.

Following that, we did go out to the people in public hearings and we did say to the people of Ontario, "Let's hear what the people have to say," and in an extraordinary manner, something like 529 submissions or briefs were made. These briefs did not represent individuals; they represented large church groups, trade unions, business associations, etc., many of the petitions representing tens of thousands, literally hundreds of thousands, of Ontarians. Did the government listen?

Let me tell the viewers watching today what happened. The Solicitor General said, "The key clause of this bill, section 4, the municipal option, is non-negotiable." The Premier said it would not be watered down. This is when the hearings were going on. When the committee went to London, the government whip, the member for Middlesex (Mr. Reycraft), said that no responsible member of the Legislature would comment on the outcome of the committee hearings while the committee was still deliberating the issue. The Premier commented; he prejudged the committee. The Solicitor General prejudged the committee.

Of course, when I introduced a motion to the committee that we report back to the House that the Premier and the Solicitor General be censured for prejudging the work of the committee, the Liberals on the committee voted against that motion of censure. How could they possibly support a motion of censure against the Premier and the Solicitor General, who are telling them exactly what to do? Tonight they will follow those instructions.

That is what democracy is about: going out to the public and listening to the people.

**1550**

The United Food and Commercial International Workers Union, Local 1977, perhaps summed it up best in its brief: "The Liberals were elected to represent the people in their ridings. The people are saying 'no' to the local option. It

seems that everybody is wrong except the Liberal Party."

We know for a fact that these bills were never discussed by the Liberal Party. We know there was no policy position taken by the Liberal Party. We know there was no convention where these issues were discussed. The Premier is not listening to the people of Ontario. He is not listening to the Liberal Party. The Premier, as is quite obvious, is listening to a small group of very powerful people, a very powerful moneyed group that represents large business in this province.

I say to all of the Liberal members out there that the small businessmen in their communities, the retail workers in their communities, the church groups in their communities, all of these people are saying to them: "We want a common pause day. We don't want this legislation." That is part of democracy. An essential ingredient of democracy is listening to the people and responding to the people. But the Premier is not responding to the people.

There is an arrogance now, Mr. Speaker, which you will not dispute. The Premier is saying: "I don't care what the people of Ontario say. I don't care what the businesses, church groups, labour groups and the municipalities who do not want this legislation say. We're going to introduce this legislation whether they like it or not."

That is not democracy; that is dictatorship. The people of Ontario recognize that for what it is. They also recognize all of those Liberal backbenchers who were sent here to represent the ridings, who have been told very clearly where their people stand on the issue and are not going to respond.

Perhaps one of the key moments for me was when I introduced a private member's bill in this House requesting that for a period of some six to eight weeks this House would sit on Sunday so we could experience what it would be like to work a regularly scheduled Sunday shift; not forever but for a period of six to eight weeks. That bill was defeated by 67 votes to 23. It was defeated at first reading. Debate on the issue was not allowed because the government was basically embarrassed. It wants to legislate retail workers to work on Sundays while provincial members of parliament do not have to work on Sundays.

Obviously, the people of Ontario have to be very cynical about politicians who want to legislate them to work while they are not even prepared to work on a trial basis to see how it



affects them. I want the people of Ontario who are watching these proceedings tonight to know that every vote cast which would not allow MPPs to work on Sunday was cast by a Liberal, and every vote that said, "Let's work on Sunday for a trial basis," was voted by the New Democratic Party with support from our Conservative colleagues. The people of Ontario can see through this.

The Rev. Derwyn Jones, bishop of the Anglican Diocese of Huron writes, "At the very least, it would seem to us that on a matter which affects the private lifestyles of so many people, the vote in the provincial Legislature should not be governed by party politics but rather by a free vote of conscience."

The reality of the matter is that, although the Premier has suggested there will be a free vote, the people of Ontario know that the Premier was not, in this case, reflecting accurately what will happen in this House tonight. The people of Ontario know what a free vote is. They experienced such a vote in the federal House when there was a vote on capital punishment. This is not a free vote. The Premier knows it is not a free vote and the people of Ontario know it is not a free vote. It is an insult to the people of Ontario to suggest that what will take place in this House tonight is a free vote.

The Liberal members will come in and do exactly what they have been told. They have received the package that my colleague the member for Etobicoke-Rexdale (Mr. Philip) referred to: (a) the speech they are to give, (b) the correspondence they are to write, and (c) how they are to answer questions. We should not expect any more courage from the Liberals tonight than they have displayed throughout the process.

**The Acting Speaker:** As agreed, we will have comments and questions on both the speech by the member for Etobicoke-Rexdale and the member for Cambridge.

**Mr. Owen:** The Ontario government's amendments to Sunday shopping continue to be misunderstood by many. Some say we are trying to give responsibility for Sunday shopping to the municipalities. In fact, they have had that responsibility—

**Mr. Mackenzie:** Total baloney.

**The Acting Speaker:** Order. We are entertaining comments and questions on the two speeches that I made reference to. Does the member have a comment or a question with respect to those two speeches?

Are there any members who do?

**Mr. Sola:** I would just like to respond to some of the allegations made by both previous speakers and by the Conservative speaker.

They say the present legislation is somewhat controversial; there were a few minor flaws. I wish they would try to convince five members of the present Conservative caucus who were sent on a chase around the province to "report on extended shopping hours." This is the Ontario Progressive Conservative Task Force on Extended Shopping Hours. The reason for sending them on this chase after the somewhat controversial legislation with a few minor flaws was that, in their words, "The widespread and flagrant violation of the Retail Business Holidays Act by numerous retailers, primarily in the Metropolitan Toronto area and particularly on Boxing Day, 1985, has brought to the fore the need for amending this statute."

I see the member for Mississauga South (Mrs. Marland) is here. Either she was under the delusion that there was flagrant and widespread violation of the act or, as the member for London North says, it was somewhat controversial with a few minor flaws.

**Mr. D. S. Cooke:** Last week you said it's the local option and you're not changing anything.

**Mr. Sola:** As far as the New Democratic Party members have said—

**Mr. Breaugh:** You should go back to your notes, John.

**Mr. B. Rae:** The core speech is right here.

**Mr. Sola:** Yes, both parties. This is replying to the members' statements. They have such responsibility that they want to claim responsibility for the committee and yet they do not want to claim responsibility for the money spent on the committee. If they forced the committee, then the money spent should be on their shoulders.

**Mr. Pouliot:** In answer to the addresses from both the member for Cambridge and the member for Etobicoke-Rexdale, I would like to reiterate what has been said for the past month, that when we talk in terms of the local option, the people responsible for that local option have said emphatically, "No."

There are some 800 to 850 municipalities in Ontario, represented by reeves and mayors and their councils, and 90 per cent of them, by virtue of resolutions at the last Association of Municipalities of Ontario convention, are saying, "We won't have it." How can the Liberals believe for even an instant—

**Mr. Sola:** And they used it 110 times.

**Mr. Pouliot:** Under standing order 24(b), Mr. Speaker, will you please cap the bottle across there, please? We have just about had enough.

What those people have said almost unanimously—93 per cent of the presenters, representing mainstream Ontario, representing the great majority of the business community, representing spiritual leaders from all denominations, representing small business—the taxpayers again and again have said, “We won’t have it; you’ve gone too far.”

But the government is determined to push it down the throats of Ontarians. What Ontarians have said time and time again as a last resort is, “Conservatives and New Democrats, try to amend, try to salvage what is indeed a bad piece of legislation.”

This afternoon, as a grand finale, the Liberal government is determined to go to the wall with this legislation. My friends will literally go to the wall in terms of the electoral process. They will pay very harshly and very dearly—

**Mr. Speaker:** Thank you. The member for Lake Nipigon has run out of time.

**Mrs. Marland:** I just want to say that I agree with most of the comments made by the previous two speakers for the official opposition party, but I think it is also important to place on the record, for the benefit of the member for Mississauga East (Mr. Sola), that I am under no delusions whatsoever. In fact, I am feeling that in the vote the Progressive Conservative Party will take this afternoon, we will be the only people in this Legislature who will represent the wishes of the people who elected them to be here in the first place.

It would serve the member for Mississauga East, who thought that I was under some delusion, to perhaps look at the petitions from the people from the riding that he represents who have asked him to vote against this legislation. I have not received a number of calls and requests, in letters or any other form, from people in Mississauga South asking me to vote in favour of this legislation, so I serve very seriously the responsibility that I have.

I also want to refer to a letter dated January 17, written by Cardinal Carter, the archbishop of Toronto, where he has written stating his concern to all his parishioners in this province about the fact that they are quite sure that this legislation will inevitably lead to wide-open Sunday shopping. What a terrible thing that this gentleman, in his position, has to get into a political issue between one government and its opposition.

The Liberal government of Ontario has now truly betrayed the people of this province by introducing this legislation and allowing it to continue through with their support in the face of the tremendous opposition which has been well expressed by everyone in this province.

**Mr. Speaker:** The member’s time has now expired. As members know, there is a limit of 10 minutes. I believe there were two speeches made. In order to wind up, would it be agreeable to allow both members to respond?

Agreed to.

Interjections.

**Mr. Speaker:** At the same time? Together? Then I will recognize the member for Etobicoke-Rexdale and then I will recognize the member for Cambridge and then we will continue the debate.

**Mr. Philip:** The member for Mississauga East has not learned anything from the hearings. He says that he asked me a question about the Conservative Party task force. Well, Larry Grossman once held the position that there should be wide-open Sunday shopping. Larry Grossman was man enough, after sending a task force around the province, to change his mind and admit that he was wrong. He at least listened to the public.

The Conservative task force came to the same conclusion as the select committee on retail store hours that the Premier set up. It came to the conclusion that Ontario legislation should be retained in the province. That was what the Solicitor General signed and later did a flip-flop on and changed her mind about. She rejected the municipal option, which only a week before introducing this legislation she had called the chicken option. Now, she is defending it. It held out the principle of a common pause day. Both the select committee and the Conservative Party task force upheld the principle of a common pause day. That is what the government has refused and rejected. That is why I say to the government that it has not been listening to the public and it has not listened to the people who made their presentations. Government members might as well have been out in the lobby smoking, the way they were most of the time.

**Mr. Farnan:** A few final words. Don Thompson of Stratford, Ontario, had these words for the committee, “Public hearings into the local option for Sunday shopping are a farce and a sham that will cost Liberals their seats in the next election.”

Peter Hoogendam is a furniture store owner from Kingston. His final words to the committee



were, "We will remember." The people of Ontario will remember this day.

**Mrs. Sullivan:** In my view, Bill 113 maintains a provincial framework for regulating Sunday closings. We believe that it is unlikely to result in wide-open Sunday shopping throughout the province. Indeed, perhaps some of the response in the development of these bills provides some indication of what measure of change we might expect in various areas of the province in the future.

Where communities choose to allow retail business establishments to be open on Sunday, it is important that we look at what happens to the employees. More than half a million people are employed in the retail sector in Ontario today, a significant part of the economy. In that half a million people, many of them are students, part-time workers, and about 52.4 per cent are women, many with family responsibilities.

As we look at the question of where communities choose to open their places, we have to remember that many people already work on Sundays in the retail sector. In fact, about 160,000, or one third of employees who work in the retail trade, are already working in establishments that may be expected to schedule work on Sundays.

If we look at our own communities, we can see them around us—small food stores, convenience stores, gasoline service stations, drugstores, antique-handicraft stores, tobacco shops—all of which can legally be open on Sundays and holidays under the existing Retail Business Holidays Act. About one half of those employees are estimated to be women.

The government looked at those people who might be affected by a change in their working relationships as a result of Bill 113; who might, for legitimate reasons, whether family obligations, religious pursuits or even lifestyle commitments, not choose to work on Sunday.

It acted to protect them, and it put forward companion legislation, a balanced complement to Bill 113. That ensures that any worker who is affected by Bill 113, and all workers in retail establishments, have appropriate protection. It means that the people who already work in the retail sector on Sundays will now have protection; for the first time that protection will be extended to 160,000 people who already work on Sundays.

Interjection.

**An hon. member:** That word has to come out.

**Mr. B. Rae:** It wasn't in.

**An hon. member:** We heard it.

**Mr. Speaker:** Order. I just hope that all members will control themselves and use the appropriate language in this House. I heard the member for Hamilton East accuse another member of lying. Will you withdraw it?

**Mr. Mackenzie:** I am sorry that we cannot tell the truth in the House, Mr. Speaker. I will withdraw the fact that we are lying when we say this to people.

**Mr. Speaker:** Order.

**Hon. Mr. Elston:** Throw him out.

**Mr. Mackenzie:** I said I withdraw it.

**Mr. Speaker:** Order. I wish all members would show some respect. The member for Hamilton East has withdrawn. I have accepted it. The member for Halton Centre.

1610

**Mrs. Sullivan:** As I was saying, for the first time people who are already working in the retail sector on Sundays will have protection extended to them for that work, in addition to any new people who may join the retail sector as a result of choices that are made in their own communities about the kind of work the communities want to allow.

The government wanted to put forward a clear framework for both employer and employee. It wanted to put forward something that would be workable, enforceable and understandable, and that would provide the kind of flexibility necessary for dealing with the issue fairly.

As a consequence, the government said—it was discussed quite broadly in the hearings of the committee, I understand—that employees in retail businesses that are permitted to open on Sundays ought to have the right to refuse work they consider unreasonable. Further, the government said if the employer and the employee disagree on what constitutes unreasonable Sunday work, either of them should be able to ask for mediation by an employment standards officer, and the employee should be able to ask for mediation if he or she is punished or otherwise treated improperly for refusing Sunday work the employee considers unreasonable. Additionally, it said if no settlement is reached, the matter could be referred to an independent referee for determination.

It is important to recognize that the protection of workers who are affected by Bill 113 is not just against dismissals. It also explicitly prohibits disciplinary action, suspension, intimidation, coercion or the imposition of any penalty on the employee. In other words, the worker who is

asked to work on Sunday will be protected against any reprisals taken by the employer against workers who refuse Sunday work.

I should say that such nonreprisal clauses are part of virtually every labour law statute in this country. They are found in all labour relations acts, in all employment standards acts, in all human rights legislation and in all but one occupational health and safety statute, that being in British Columbia.

I do not accept the premise that employers will generally disregard or try to circumvent the law. Most people, most employers will obey this law as they do other laws. The incentive to circumvent the old law is removed because this one is fair and safe, and sets out understandable and reasonable standards of practice between employers and employees in this area.

We expect most disputes that arise between an employer and employee will be resolved through the mediation process. However, the government has agreed that if the mediation process does not work, a referee can make a determination if necessary and the referee can look at the criteria, which are specifically set out, in making a determination.

For instance, in determining what is reasonable the referee can take into account the terms of a collective agreement, the existence of any premium pay arrangement for Sunday work, the existence of any policy of rotating Sunday work assignments as a policy of work, the place of work, the history of the work relations including any previous requirements respecting Sunday work assignments—that is something that is going to be very important for the 160,000 people who already work on Sundays—the efforts of an employer to hire additional staff to permit reasonable scheduling of Sunday work, whether the employee was hired on a part-time basis specifically to permit reasonable scheduling of Sunday work, and the existence of any emergency situation.

Under the new system, the Sunday workforce in the retail sector will be largely a voluntary one comprised of people who choose to work on Sunday. Indeed, for many students and part-time workers who prefer to work on Sunday, we will see a benefit from this legislation.

The bill gives new rights to more than half a million workers for the first time. I urge that members of the House support Bill 113 and its complementary piece of legislation, Bill 114.

**Mr. Speaker:** Are there any comments or questions?

**Mr. Owen:** I would like to concur with the remarks made by the member for Halton Centre (Mrs. Sullivan). We have heard today from some of the opposition who are trying to say we are giving or initiating the giving of responsibility for Sundays—

**Mr. Speaker:** You are just responding?

**Mr. Owen:** Yes.

**Mr. Speaker:** Fine.

**Mr. Owen:** —to the municipalities. In fact, as has been pointed out by the previous speaker, they have had that responsibility since 1975.

I think the opposition is suggesting that if we take back the responsibility from the municipalities, we would then have to close up the entire province on Sundays. Under the 1975 statute, large numbers of municipalities have opened across the province on Sundays, and closing the province would have the effect of bankrupting thousands of businesses that have legally opened and catered to the weekend consumer. That would not be fair.

The amendments that have been referred to by the last speaker would improve the situation. She referred to the fines that would increase the maximum of \$10,000 to \$50,000, or to the gross sales of the business day if appropriate injunction powers can close a store. The allowed square feet of the store will be maintained and roping off will no longer be allowed. Prosecutions by the police will be made easier and simpler. Municipalities that are now legally open have up to five years to reintroduce open Sundays or they will be closed, and in the future they will have to give notice to the public of their intention to open Sundays and to hold public meetings beforehand.

Some have said there will be a domino effect if this legislation goes through. Two of the five municipalities in my riding are now legally open in full or in part. Barrie has not followed the lead of Innisfil township, nor West Gwillimbury the lead of Bradford. If they have not before, why should they now? Maybe the law should not have been introduced in 1975, but it was, and what we are doing will improve a difficult situation started 14 years ago.

**Mr. Speaker:** Any other comments or questions? Any response? Any further debate?

**Mr. Brandt:** I listened with great interest to the speech on behalf of the member for Halton Centre. I am going to respond in the course of my remarks to some of the suggestions made by the member that work on Sunday will now be on a volunteer basis, which I think is one of the most



ludicrous ideas I have heard yet in connection with support of this bill.

But it does underline the fact that Bill 113 and Bill 114 are going to involve more people working on Sundays. It also underlines the fact, as we have been saying in this House consistently in connection with this bill, that it is not a Sunday opening bill; it is a Sunday working bill. That is what it is all about. It is about forcing more people to work when they do not have to work and when they should not be forced to work.

It is a sad day for Ontario in my view that we are coming down the track now where there is little else the opposition can do but vote, knowing full well the government is going to get its way and is going to be able to pass this legislation.

Let me say that I was somewhat taken back by the Premier's comments to a high school class yesterday when he indicated that all those who are in opposition to this bill, who feel very, very strongly about the mistake the government is making in this connection, are engaged in nothing more than emotional hysteria.

I think it is absolute nonsense to suggest that, when you have leading members of the church community, retailers, municipalities right across this entire province taking virtually unanimous positions, indicating they do not want to have the responsibility for making decisions with respect to Sunday openings.

You have church leaders who have indicated their strong opposition to the point where they have actually spoken from the pulpit on this question, and they have circulated letters to their parishioners and to those who are members of their diocese. I want to read into the record just the names of some of those individuals who have indicated how strongly opposed they are to what this government is going to force through, because of its majority, later on this afternoon.

1620

This is only a partial list, but I want to share it with the members of the House: Emmett Cardinal Carter, representing the Catholic church; Archbishop Lewis Garnsworthy, representing the Anglican Church of Canada; Reverend Hudson Hilsden, the Pentecostal Assemblies of Canada; the bishop representing the Greek Orthodox Church, bishop Satirios; Reverend Dr. Raymond Hodgson, the Presbyterian Church in Canada; Reverend David Jones, the United Church of Canada. That is only a partial list of the church leaders.

We have municipality after municipality, including the Association of Municipalities of

Ontario, including those people who represented the riding of my good friend the member for Brantford, who was the mayor of that fine municipality. Were he the mayor today, he would be taking an entirely different position than he is as a backbench member of the Liberal Party. The fact of the matter is that virtually unanimously, including, if I may put this gentleman's name on the record—

I knew that would wake him up.

**Mr. Neumann:** On a point of privilege, Mr. Speaker.

**Mr. Speaker:** I have not had notice of the point of privilege. Usually that is the case. However, if it is a point of order, I will certainly listen to it.

**Mr. Neumann:** I speak for myself. I do not need the member to speak for me.

**Mr. Brandt:** That is extremely helpful. I just wanted to know if my colleague the member for Brantford in fact did join with all those other mayors who have thought this issue through right across this great province, and if he would have joined ranks with them. If that was not the position he was going to take, then he can certainly make that point clear.

Let me share with the members some of the history of the bill as it unfolded. The Ontario government initiated hearings on this matter back in 1987 when there was an all-party committee that looked into the entire issue of Sunday openings. The Solicitor General will remember that well because she was part of that process.

The Conservative Party of Ontario, through our own colleagues here, set up a task force that went across the province. We had input on this question as well. The conclusions those groups came to were exactly the same, that the responsibility should remain provincial and that it was wrong to pass the responsibility on to the local municipalities. That was very clearly the position taken by the all-party committee, and also the task force we sent out across this province to get input on this question.

The other very fundamental and important point those committees came to a conclusion on was that we should retain a common day of pause and a common day of rest in this province, that we should not open it up for commercialism on every single, solitary day of the week. In May 1987, there was an all-party committee, as I mentioned, that endorsed a day of rest—the Solicitor General was on that committee—and indicated that Sunday shopping was wrong. That was the conclusion. That was the report that was signed. I saw it with my own eyes.

Then, as I understand it, the Premier supported those conclusions up to and including the date of August 6, 1987, when he stated very clearly for the record at that time—I believe he was speaking in eastern Ontario, to give the members a geographical context in which to understand where these remarks came from; I guess it was popular to keep stores closed on Sunday in that area—that there were two things he wanted to see: the status quo retained and that we have a common day of pause and a common day of rest.

interjections.

**Mr. Brandt:** That was what the Premier said in August about 30 days—I say to the member for Lambton (Mr. Smith) who I know wants these comments to be completely accurate—before the September 10 election, when some things changed, primarily a very large majority that developed on the other side of the House.

What changed the Premier's mind after his comments of August 6? Who whispered in his ear that perhaps something should be altered with respect to his promises and his decision to pass on the responsibility to the local municipalities? I do not know who the adviser was or where the Premier was briefed at that time, but obviously he changed his mind. I am not completely and totally surprised by that because this is not the only issue on which the Premier has changed his mind.

I recall another date that will be etched in concrete in the memories of the people of Ontario—September 7 in the great community of Cambridge—and what he said with respect to another issue. I remember at that time he stated without any equivocation whatever that he had a plan, and not only did he have a plan but he had a plan that would lower automotive insurance rates. That is what he said.

I want to tell members that in August he changed his mind. In September he again changed his mind. How many more times is he going to make an unequivocal statement to the people of Ontario and then end up changing his mind still again?

We now have offered to us on a platter by the government of Ontario this infamous municipal option. I want to tell members what the municipalities think of this government today. As I sat in my office, I signed dozens of letters back to municipalities that were complaining about the way in which they were being handled by the current government.

Do those folks opposite know what the municipalities are saying about them? The municipalities are saying they froze uncondition-

al grants. They say the only kinds of municipal responsibilities the government passes on to them are the ones they do not ask for. They said on Sunday shopping: "We don't want that responsibility. It should be province-wide legislation." But what happened? The government passed it on because it could not take the heat. That is what happened. It could not take the heat, so it passed it on.

I want to tell the government that this party and my colleagues have been consistent on this issue, as perhaps on no other we have ever dealt with. Right from the beginning we have indicated our consistent opposition to Sunday openings. We have indicated very clearly to the government that we would fight it at every step of the way, and that by whatever method was available to us, we would attempt to delay passage of this bad legislation, because clearly the majority of the people of Ontario do not want to have this legislation enacted by the province.

We have even been, I guess, faulted in some ways for some of the lengthy debates we have had surrounding this issue. If members can believe this, the government House leader, the honourable member for Renfrew North (Mr. Conway), even indicated that it was quite appropriate to bring in a time allocation motion, that it was quite appropriate to bring in a guillotine motion, that it was quite appropriate to beat the opposition into submission by limiting what it could say on this bill, because the government would have its way—the very same member, I might add, who used every single device at his disposal when he sat on this side of the House and who was adamantly opposed to any form of time allocation, any form of closure, any form of guillotine motion.

But of course the circumstances at that time were different. We are doing nothing different, I say to my friends, and many of them were my friends until I started this speech. I say to my friends opposite that we are doing what a responsible opposition is elected to do, namely, to represent its constituency. I want to tell the government who our constituency is. It consists of church leaders, the municipalities and retail workers, those people who do not want to be forced into working on a Sunday.

I want to say again to the member for Halton Centre who spoke earlier on this business about the only workers who are going to be called to work on a Sunday—listen carefully to this, I say to the Minister of Labour (Mr. Sorbara)—are going to all be volunteers, according to his earlier spokesman.



They are going to come forward and say to their employer: "Please find a way to employ me on Sunday, because the other six days a week that I work and that I am away from my family, am away from my children, those are not enough. I want to work the seventh day because I really think that is a good idea." That is so much nonsense. To even use the word "volunteer" in the context of bills 113 and 114 shows just how far out of step the government really is with the realities of this bill.

### 1630

I want to say that there are those on that side of the House who believe our opposition to this bill is simply to oppose whatever the government does. But we are consistent, totally consistent, with the position their leader, the Premier, took back in August 1987.

What happened? What metamorphosis, what change, occurred between that time and now? Who influenced him I do not know. The same basic principles hold today as held back at that time; that is, by passing on the responsibility to the local municipalities, the government has done one very significant thing. It has allowed the municipalities, which are under different types of pressure from what the province faces, to have different kinds of lobby groups that approach them in a much more direct and intimate fashion and that can force them to open—one municipality opening in various parts of this province will cause others to open.

Those are not simply the words of the member for Samia. They are the words that have been spoken by the Association of Municipalities of Ontario. They have pleaded with the government: "Don't force us to fight each other in a commercial war that's going to pit one of us against the other and force us to open as a result of the need to meet the competition next door. Don't force us to do that."

The government has in fact opted for what the Solicitor General said some time ago was wrong, when she indicated with respect to this part of the bill, that it would be—her famous words should be etched in marble on the walls of this historic building, because she was so right at that time, she was so correct. Her analytical mind had zeroed in and probed this issue to the point where she came to the conclusion that was so absolutely right in every respect, that on the part of her government it was going to be the chicken way out.

If the minister did not say those words, she has more than adequate opportunity to stand up in this House and indicate to all of us that I am

misquoting her, but the fact of the matter is that that is exactly what she said. Of course, there were some changes: a car, a driver, a cabinet appointment, an unlimited administrative budget. The high life of a minister of the crown then took place, and the minister was at that particular time sold on the idea of what a wonderful concept this was: opening on Sunday, the shop-till-you-drop kind of philosophy. Well, we think this is wrong.

**Hon. Mr. Elston:** Is this Port Huron you are talking about? December 18 in Port Huron?

**Mr. Brandt:** My friend suggests that Port Huron is open on Sunday. Yes it is, quite legally. I have been over there on a Sunday. Certainly I have, and I go to a convenience store that is open in my own municipality on a Sunday. They are legally open and they would continue to be legally open. The difference is that certain stores, for convenience purposes, should be open on a Sunday. We do not take issue with that.

Restaurants should be open on a Sunday. Recreational activities should be open on a Sunday. I do not have any problem with that. What I have a problem with is shoe stores, hardware stores, furniture stores, the wide-open, no-holds-barred, Liberal-style commercialism. That is what I am against and that is exactly what they are proposing.

I do not think the members of the Liberal Party and the government have thought this issue through all that carefully, because those who have spoken before the all-party committee of the Legislative Assembly that heard submissions on this particular matter indicated very strongly, well in excess of 90 per cent of the submissions made before that particular committee indicated very clearly that they were opposed to bills 113 and 114.

First of all, let me say to the Minister of Labour that he had a herculean task in trying to fill the holes that were caused by Bill 113 and forcing people to work and then trying to give them some limited amount of protection. The problem is that his bill will not provide the protection for workers that he suggests because there are a hundred subtle ways in which workers can be forced to work on a Sunday that are not covered by his bill.

**Hon. Mr. Sorbara:** Are you telling me that employers will break the law all over the province? Is that what you're saying, Andy?

**Mr. Brandt:** No, I am saying that there are all kinds of ways to break the law that the minister cannot enforce. There are all kinds of ways in which people will be forced to work on a Sunday

which we think are wrong. That is why bills 113 and 114 are going to result in bad legislation for Ontario.

We have opposed this bill, as have so many others who appeared before the all-party committee because of reasons that we think are very valid. We already think that in a family context there are sufficient strains and stresses in today's fast-moving life that we should not subject those people, many of them single mothers already forced to work six days per week in the retail industry, to working still another day.

Many of them, I want to suggest to the minister, will be forced to work another day; or, and here is where Bill 114 does not cover these things, they will be passed over for promotion or they will not get the allocation of the appropriate number of hours that they need to make a living.

I want to acknowledge for the record that the minister is shaking his head and saying that I am wrong. Well, I want to tell the minister that he is wrong. That is exactly what is going to happen. The minister is wrong.

If we can, let's talk about the Premier who stood up in this House and before all of us in the Legislative Assembly indicated that he would provide the opportunity for a free vote. Do members remember that? My good friend and colleague the member for London North asked a question today in connection with this particular issue and asked the Premier if he would lull those Liberals who are somewhat queasy about this thing, who have a sense of responsibility to their constituents and who know full well that the people back home do not want wide-open Sunday shopping. Those particular Liberals would love to have a free vote, but what did the Premier say when he was asked the question today? He said very clearly in his usual fashion, "Every vote in this House is a free vote."

I want to say of the government members who are assembled here this afternoon that very few of them applauded that comment because they know as well as I do that they are shackled to their desks on this vote. They are whipped into submission. They are forced to march the government line on this particular question.

I want to tell members what they have done. Some of them have voted with their feet. Fully one third of them did not show up in the House when we had a preliminary motion leading up to bills 113 and 114. Fully one third of them were not here because they felt uncomfortable about having to vote for Sunday shopping.

I want to tell members that the member for London North is here today and the honourable

member for Stormont, Dundas and Glengarry (Mr. Villeneuve) is here as well today and will be voting on it. He will vote as will all of my colleagues who have, I want to say, a completely and totally free vote.

The difference is this: The Premier's free vote comes with certain subtle conditions. Our free vote is in fact exactly what it implies, a totally free vote. Our members are going to vote against the government legislation and they are voting against the legislation because it is bad legislation.

**1640**

I want to respond, if I might, in the brief time that is available to me before my time has expired, to the member for Simcoe Centre (Mr. Owen), who drew some comparison between the legislation that was passed in 1975 and the legislation that is being proposed now in 1989.

There is no comparison whatever between those two pieces of legislation. The legislation in 1975 was province-wide. That legislation required on the part of a municipality that it seek out, with the province, a tourist option under certain conditions, and although it was not a perfect solution to a very complicated problem, not one municipality came forward to argue about it. They indicated clearly that they were reasonably satisfied with the legislation in 1975. Even the Premier said in 1987 he wanted the status quo and wanted to retain that particular legislation.

What they are proposing is a direct shift of responsibility. What they are proposing is to hand this off to the municipalities. The Liberals are forcing them to make decisions that are going to be extremely difficult for them to fight on a local basis under certain conditions. If in fact those municipalities break ranks, it will result in what AMO has quite correctly identified as the domino effect. The domino effect is going to be where various municipalities are going to have to fall in line with a competitive jurisdiction in close geographic proximity, and they are going to have to fall in line because of commercial interests.

That is what the Liberals have foisted off on municipal leaders in this province, and they have done it through legislation they did not ask for and they have done it through legislation—

**Mr. Chiarelli:** And you don't trust the local councils.

**Mr. Brandt:** My friend says I do not trust the local government leaders. I happened to be in local government for 10 years. I do not know how long he was in local government, but I found that I had a certain feeling of uneasiness when the



government, without being requested to so do, passed on legislation to me that I did not ask for.

Usually, what happened in that particular case is that it was a hot potato the government did not want to handle, and this is a difficult issue, admittedly, that the government does not want to handle. They are hoping it will go away and they are hoping that over the passage of time people will blame local governments for wide-open Sunday shopping, if and when it occurs in this province, and I believe it will occur.

**Mr. Chiarelli:** It will never happen.

**Mr. Brandt:** The member says it will never occur. My friend indicates that this is not the direction in which this province is going to go. I do not have to give him a long list of the groups and the organizations and well over 50 per cent of the people of this province who have been surveyed and indicated that they are in fact opposed to what this government is doing because they are worried about the commercialism that will result from wide-open Sunday shopping.

It is just simply wrong, what they are doing. They are moving in a direction in which this province does not want to go. They are changing, in a very fundamental way, the quality of life in this province. They are making a decision which is going to cause a deterioration, in my view, of family life.

It has happened in other jurisdictions. To those who shake their heads and believe that this is some kind of a dream on the part of the member for Sarnia, let me suggest that it has happened in British Columbia; it has happened in California. They are trying to get out of that legislation now because it is bad legislation that was enacted in those jurisdictions. You would think that this government would learn from the errors of others, but what it did was to take the easy way out by shifting the responsibility.

I want to tell my friends that when the vote comes in a matter of minutes from now, about 60 minutes from now, and when we in our party stand up in opposition to what the government is proposing, we will do so proudly. We will represent the families, the working people, church groups, union organizations and municipalities. We will represent the people from all walks of life who tried to get the government's ear during the all-party legislative hearings before the committee, where 93 per cent of them said no to the government's proposals, where 93 per cent of them said it was wrong.

We have tried, by way of bringing before the members of the government all the arguments in

connection with this issue, but obviously they are going to stonewall it. They are going to proceed with what they intend to do. I will tell them they are taking this province in a direction in which neither I personally nor the members of my party want to go. We think it is the wrong direction. We think it is dangerous. We think it will lead to a type of commercial activity that is not in the best interest of this province.

I say once again that when we vote against the government's proposals, when the vote is taken, we will do so after having caucused this issue, after having studied this issue, after having sat on an all-party committee, after having had a task force on the issue. After having really looked at what the needs of the people of Ontario are, we say to the government that we do not need Sunday shopping. We say that we do not need this kind of wide-open commercial activity.

We say to the government very clearly that we have tried to muster every ounce of energy we could bring to bear on this particular question. Yes, we have delayed this House and, yes, we have used certain tactics to get to this point in time, but we have done so with the best intentions in mind. We have done so because we believe in the cause we are fighting for.

We believe that cause is one that puts us on the side of the vast majority of the people of this province who have stated their position. The government has not listened to the position that they tried to pass on to it. As a result, it is going to make a very serious political mistake later this afternoon.

I feel sorry for them. It is a sad day in the province of Ontario that they have forced it to this point. But when it comes time to vote, I will stand proudly with my colleagues and vote against what the government plans to do in connection with Bill 113 and Bill 114.

**The Acting Speaker:** As agreed, the next speaker, for his windup on this, is the Leader of the Opposition.

**Mr. B. Rae:** I am delighted to participate in this debate. I think I have to wait for some of my Conservative friends to leave. I will give them that opportunity.

**Mr. Brandt:** I am staying.

**Mr. B. Rae:** I know the leader of the third party is staying, but some of his members obviously have—

Interjections.

**Mr. B. Rae:** No, it is all right. They may not be able to take it, but I certainly can.

I want to take this opportunity to go through some of the arguments that have been made and some of the history of this legislation. I want to start out by saying that I cannot think of a law or set of laws that have been more poorly thought out and defended than the two laws which were presented by the Liberal Party over a year and a half ago and which we are now being told we have to vote on at a quarter to six.

There have been many opportunities throughout this debate when a wiser government and indeed a wiser Premier would have realized how offensive much of this legislation is to the majority of people in this province. He would have looked to the opportunity that was given to him on a number of occasions to sit down with all those people out there who are opposed to this legislation and try to devise a reasonable compromise.

There have been many times when church groups, retail workers, all kinds of people have stood up and said to the Premier: "Look, sit down. We have a compromise to propose to you. We have some other suggestions to make."

#### 1650

At each and every step of the way this Premier and this government have said: "No, we're not interested in what you think, we're not interested in what you feel. We know what is best for you. We are proceeding with the legislation regardless of what you think." That is always the kind of arrogance that precedes a beginning of unpopularity of a government and that is what we are now seeing as history turns in Ontario.

In 1975, this House in its wisdom considered the question of changes to the legislation on the Retail Business Holidays Act, but it is important to go back to the time prior to 1975 and to know that there were studies by the Ontario Law Reform Commission looking at the question of a common pause day. They looked at legislation in Europe, including the Soviet Union, they looked at legislation throughout the western world and they came to the conclusion that it made the most sense for this province, in terms of its history, in terms of the rights of its working people and what they wanted, to maintain the principle of a common pause day.

That was the decision of the law reform commission. That was a decision of the government taken in 1975 when we changed the legislation to allow for some exceptions, but not for exceptions that would drive a truck through it. That is indeed what has happened and indeed what has taken place. Since 1975 we have had legislation which has guaranteed the continua-

tion of a day of common pause and of common rest with some minor changes, the most major change being that which took place in 1975 of course, the bringing in of the tourist exemption.

That, as some might say, has been the beginning of a problem and the problem has now been used by this government to take away any protection that really exists in terms of Sunday working and Sunday shopping, so in fact more and more workers, as a result of this new law, are going to have to work on Sunday, are going to be away from their families on Sunday and are going to be taking time away from their leisure on Sunday.

What happened in the 1980s that caused this worm to begin to turn? What is it that took place? People started breaking the law. That is what took place. As people started breaking the law, governments of the day were reluctant and incapable of enforcing the law effectively and so we had an enforcement problem. It was an enforcement problem that was confined essentially to our large urban centres.

But it would be a foolish person indeed who would say that there was no enforcement problem prior to the beginning of the change. There was. In 1985 there was, as we will all remember, a chaotic situation on Boxing Day. We also had prosecutions which led to a case going to the Supreme Court of Canada, and in its wisdom, the Supreme Court of Canada said the legislation was perfectly lawful.

We just heard a speech from the leader of the Progressive Conservative Party, from the leader of the third party. I think it is worth remembering, if we might, that it was back in January 1986 that the then leader of the Progressive Conservative Party, Larry Grossman—who I understand is, until the next convention, still technically the leader of the Progressive Conservative Party—

**Hon. Mr. Sorbara:** And doing a fine job.

**Mr. B. Rae:** And, I think, doing a very good job from where he sits—said, and I quote, "The Progressive Conservatives are prepared to stand up and be counted to say we must change the law to greatly expand Sunday shopping in response to demand." That was the position of the leader of the Progressive Conservative Party back in 1986.

I think it fair to say, in the interests of historical accuracy, that as soon as he made this speech and this statement to the press, he was mugged by his colleagues. In fact, they required him to set up a special task force under the leadership of Terry O'Connor, which task force sat and recommended that the common pause day be retained and that there be some other changes in the law.



Then we had the select committee, of which Mr. O'Connor was also chairman. Our colleagues went across the province. It has already been described. The member for London South (Mrs. Smith) was an active member of the select committee; She signed on before she joined the cabinet. She was an active member of the committee.

What was the foundation of that committee when all the dust had settled, when all the Magder cases were dealt with, all the legal finagling was over and all the issues had been heard? The select committee had travelled. The House was representative of the three parties, no one party having a majority able to ram through a narrow point of view, all parties having to listen. What was the foundation of that select committee of 1986-87? The foundation was that there should be a common pause day for Ontario as much as is humanly possible. That was the foundation.

Liberals signed that report, the same Liberals we see face to face now, the same ones we see in the corridors, the same people. Some of them have different titles. Some of them were just members and now they are ministers. But they are all the same folks and their signatures are remarkably similar to the signatures that they had when they signed this report.

They were in favour of a common pause day before the election in 1987. They said they agreed with the approach to a common pause day in 1987. I am not talking 1787 or 1887. I am not talking about a Liberal Party that is totally different from the one we see before us. I am talking about people who are still members of this House.

I am talking now about the most remarkable transformation. Since the transformation of Cinderella, we have seen none equivalent to that which took place in the heart of the member for London South. When she was a member of her party and her caucus, she was in favour of a common pause day. Give her the coach and the carriage and the footmen, and my God, it has all changed. Make her a minister and suddenly the opinions are totally different. She is given the job of, in fact, ramming this legislation through the House and not listening to what the people are saying.

While we are on the topic of Cinderella and magical changes, while we are looking at the most amazing transformation, listen to the words of the leader of the Liberal Party spoken in the middle of an election campaign. Let's give some background to this. We on this side have all

certainly known that the Attorney General (Mr. Scott) has been talking about a local option since he got here in 1985. The Attorney General is in the classic position of the guy who can enforce the law who then turns around and says: "You know, this law is unenforceable. We are going to have to go to a local option." Of course, if he does not enforce the law, he should not be surprised if it is not enforceable.

We all knew there were those within the Liberal Party who still believed in the local option, despite what the select committee had said. So we all listened with interest to the words of the Premier at the beginning of the election campaign when the Premier said that as far as he was concerned, the compromise which had been worked out on Sunday shopping was acceptable.

I got hold of the information package which has been handed out by the Ministry of the Solicitor General. I am going to be referring to this so-called information package in a moment. I have looked high and low in this information package for the comments that the Premier made in 1987. I cannot find them. I can find Agnes Macphail in 1950. I can find Ted Joliffe in 1950 when they began to allow spectator sports on Sundays. I can find Leslie Frost quoted in 1950. I cannot find the Premier quoted in 1987 in the Ministry of the Solicitor General's own information. It is an amazing gap. It is as if that year did not happen. It is as if it did not take place. It is as if suddenly there had been no commitment made by that party at that time.

The Premier said that a common pause day was the platform upon which he wanted to be elected by the people of Ontario. It was not a big issue for him. He wanted to make that clear. It was not a priority for the government, one way or the other. He wanted to make that clear. But it was still one which he accepted and which he thought was a fair compromise.

Let me say that if the principle of a common day of rest was good enough to get the Premier elected in 1987, it ought to be good enough for the Premier and the Liberal government in 1989. That is the principle, the word that has been broken, the commitment that has been shattered.

**1700**

**Mr. Sola:** You're wrong.

**Mr. B. Rae:** No. The member opposite says I am wrong. I can only say those are the words that he spoke and those are the things that he said. Those are things that his own leader said. If he wants to say to his own leader, "You've let us down," that would be fine. It would be novel to see this 94-member Red Army Chorus saying

anything out of sync with respect to what has been said by their leader—novel, interesting, unusual.

**Mrs. Grier:** And democratic.

**Mr. B. Rae:** It would be democratic and exciting to perhaps give members a chance to express themselves.

What is the principle behind these two bills, two very simple pieces of legislation which we are now being asked to deal with? In December 1987, I can remember the Solicitor General, the Attorney General and the Minister of Labour got up and delivered themselves of their package, saying what they were in favour of.

My favourite comment by the Attorney General was that the major reason they had to introduce this legislation was because the old legislation was unenforceable. This is legislation that was upheld by the Supreme Court of Canada in 1986. The case was not argued by the Attorney General that time, which may be why we won it. I would rather have my affairs handled by Hamilton Burger than by the Attorney General, but that is another matter.

What he said was, "What this new law says is this: There is going to be a local option and I want you to listen to the various ways in which the municipalities are going to be able, according to this legislation, to deal with the question of Sunday shopping."

The member for Norfolk, who just spoke, said we should not even call it Sunday shopping; we should simply refer to it as the Retail Business Holidays Act and that to call it Sunday shopping in fact is a misnomer. This whole thing is called Sunday shopping by the Ministry of the Solicitor General, so that is what I am describing it as.

I want you to listen to this wording, Mr. Speaker, because you are a lawyer and you know how important the wording of the act is.

"A bylaw or regulation under this section,

"(a) may apply to any part or parts of the municipality or territory."

Oh, that is great. So you are going to select one part of the street and not another part of the street? That will be easy for municipalities to decide, that will be a cinch.

"(b) may limit the opening of retail business establishments on holidays to specific times or to a certain number of hours;

"(c) may permit the opening or require the closing of retail business establishments on certain holidays and not on others." That is just to make it easy and more enforceable.

"(d) may restrict the opening of retail business establishments on holidays to specific periods of

the year or require the closing of business establishments on holidays during specific periods of the year; or

"(e) may classify retail business establishments by size, number of persons employed, character of business, geographic location or any other criteria."

This is the provincial framework which is supposed to end the problem of the different interpretations at the local level of the tourist exemption and the fact, for example, to use the most notorious case, that Mr. Magder has consistently said: "I don't care what the law says. I'm going to go open on Sunday and I'm going to insist on my rights." The Liberals' answer to this persistent lawbreaking in certain communities is to establish a new framework which they say will get rid of this problem of unenforceability.

Mr. Speaker, I want to ask you, sir, since you are not only a lawyer but also a former municipal councillor, to reflect for a moment on the pressures that will be brought to bear under this legislation. Right now, we have tourist exemptions in some parts of town, in some areas and in fact, in some smaller communities, for the whole community. I am troubled by that. I think that is too wide an exemption. I have already said that. We have already made our suggestions in terms of how we would tighten that up.

I want to say what this is going to mean for every single business establishment in a community that feels it is unfairly done by because of the tourist exemption. If I may relate one example to Metropolitan Toronto for a moment, we have two tourist areas in place right now. As soon as this bill comes into place, there is a period of grace during which there must be a transition from the old world to this new Petersonian world we are being introduced to. Think about it. Every single retail business establishment that feels it is at a competitive disadvantage is now going to be coming down to the city council and asking: "What gives? Tourism is not your exemption any more. What is your logic now? How do you differentiate between us and the people you are allowing to be open?"

Mr. Speaker, because you are a lawyer as well as a former city councillor, you know that these developers have some legal armoury in their bow as well. They will use not only the persuasion of saying to city council, "We think that your current exemptions are totally arbitrary and unfair and we insist on being included in them." What are they also going to say? They are also going to say, "If you do not do so and if you do



not make your distinctions fair and reasonable, we are going to take you to court."

So a law which has been introduced in an effort to end the problem of unenforceability and legal chaos is going to do the exact opposite. It is going to inevitably promote it.

Second, we heard from the member for Halton Centre who said that the only people who would be working on Sunday would be volunteers. My party and I have often been described by members opposite, by members of the other party, and indeed by many people as people who do not have a great deal of knowledge of how the world of business works.

Mr. Speaker, I want to ask you to form a mental picture in your head, if you would, and hold it there for a moment, of a small retail establishment that is in a mall. The mall is opening on a Sunday. The small retail firm selling shoes, whatever it may be, has two or three employees. Does anybody seriously think that there are going to be employees lining up, volunteering and saying, "Please, choose me to work on Sunday and choose me to work the next Sunday and the next Sunday"? What do you think the response is going to be from the employer who says, "I have to come in on Sunday, so therefore you come in on Sunday," when some person says: "No, I do not want to come in. I do not think that is reasonable"?

The minister talked for a long time about how he was going to grant us the right to refuse, but what has he done? He has not given us the right to refuse. He has loaded it and corralled it with so many exceptions and so much work for lawyers, that the people who are going to be working harder on Sunday than anybody else as a result of this are lawyers and arbitrators who are going to have a field day with this legislation. They have to go through it all—the history of the work relationship, whether the employer has or has not made reasonable efforts, the existence of an emergency situation and all the rest of it.

I want to remind members of what this government said when it took Paul Magder to court. Do you know what this government said? It said the reason that this law is constitutional and not simply a law to enforce the religious Sabbath of one religion or another is because it is essentially designed as labour legislation to protect working people. I am here to say that the best way to protect working people in the retail trade is to keep stores shut and to make sure they do not have to work. That is the best labour legislation you could have.

For the first time in recent years, a Minister of Labour has introduced changes which, in fact, are going to take away from the rights of working people and not add to them.

Je veux vous dire deux choses, tout simplement. D'abord — et c'est très clair — le Parti libéral, avant la dernière élection, a promis que le dimanche resterait, autant que possible, un jour de congé. C'était la promesse faite par le premier ministre (M. Peterson) au cours de la dernière élection, et c'est pourquoi nous disons clairement et directement au gouvernement: « Si cette promesse était bonne pendant l'élection, elle devrait être bonne pendant la vie du gouvernement. » Voilà un principe politique.

Mon deuxième point, qui est fondamental: si le gouvernement veut vraiment protéger ceux qui travaillent dans le monde du commerce, dans les magasins et dans les boutiques de notre province, la meilleure législation possible est de garantir que ces magasins resteront fermés le dimanche. C'est la meilleure protection possible pour eux; non pas les choses promises par le gouvernement libéral.

#### 1710

I want to say to the members of the Liberal Party, because I know we are approaching the time when they are going to be making up their minds on a free vote, that they have been given a lot of bunk information from their own minister. For example, in the literature she handed out, there is a question-and-answer section:

"Question: Are there any benefits to Sunday shopping?"

"Answer: Yes. Experience in other jurisdictions."

Then they have a myth that allowing Sunday openings will just spread six days of consumer spending over seven days. Not true. What is the basis for this? A recent study by Clayton Research Associates of Toronto entitled *The Impact of Sunday Shopping in Alberta, 1982-1986*. My staff phoned the Ministry of the Solicitor General and said: "Have you got this study?" They said, "No, we don't have it, but Clayton has it." We phoned Clayton and say, "Clayton, have you got this study?" Clayton says, "There is no such study." It does not exist; it is not there, so the foundation on which this legislation was put forward is false, is untrue.

I want to come to a basic point, and that is this: When we all go back to our constituencies, as we do, we all have a sense that there is a common value that all of us share in being together as much as possible with our families.

I want to read to members just one letter that was written by a schoolgirl in Etobicoke. Katherine Silveira writes:

"I think that shopping on Sunday will destroy our families because moms, dads, brothers and sisters will be forced to work and be away from home. My mother works at Eaton's Sherway. She already has to work one night a week and if she works on Sunday we won't be able to go to mass, eat dinner together or do girl things that ladies do. Please vote for no Sunday shopping."

I think of Sunday in my constituency; it is for many a religious day. I think that is a principle and an understanding that all of us should have when a vast majority of the people in this province feel themselves to be Christian and feel that Sunday is a special day for them.

I think that Sunday has taken on a meaning and a value that really transcends any of our common religions, and that value is the fact that it is a common day in which as many of us as possible can be at home. It is a day when we do not have to obey the boss. It is a day when we do not have to do as we are told by our employer. It is a day when we can be with our families. It is a day when we do not have to worry about commercialism. It is a day when we do not have to shop. It is a day when we can simply be together and not be driven by: "Buy, buy, buy. Shop, shop, shop." It is a day when we can in fact take some time. We can have a lunch that can last for a couple of hours. We can go for an afternoon in the park and spend all that time together.

Some will say, "None of that will change." I want to say to members that some of it might change. In fact, I think if we follow the logic of this legislation, some of that will change.

On balance, I want to say that if we have to cast a vote one way or the other in favour of more time with families on Sundays or less time with families on Sundays—I do not regard it as meaning, as the Minister of Labour has said on many occasions, "This doesn't mean the end of the family." Of course it does not mean the end of the family. That is not the issue.

The issue is whether we are strengthening the family. The issue is whether we are strengthening time off. The issue is whether, on balance, we are doing a little more for working people or a little less for working people, whether we are doing a little more for commercialism or a little less for commercialism. That is really what we are left with.

I say to those members who are no doubt whipped into shape now and eager and prepared to vote and to do nothing but vote on this

particular issue, I think they are making the wrong decision. We have fought this battle hard, and we have fought it long, for one simple reason: We think the legislation is bad. While we never felt we were in a position numerically to defeat the legislation, we did feel we were strong enough and in good enough shape that we could in fact hold it up long enough to give the opposition a chance to form.

That is why I say to you, Mr. Speaker, that because the government has dropped the ball and given it to the local level of government, because it has decided to avoid its responsibilities, because it has broken its election promises—

**Mr. Chiarelli:** You do not trust the local municipalities.

**Mr. B. Rae:**—I say to the member for Ottawa West (Mr. Chiarelli), who has been interrupting me, because of that simple fact, this battle is not at all over. This battle in fact has just begun. This is a battle that has just begun. It will be fought at the level of every municipality. It will be fought on the streets, and it will be fought in terms of relations among businesses, consumers, working people and business establishments that want to open and other small businesses that do not.

In that fight, this Liberal government is causing far more trouble than this issue deserves, or far more trouble than municipal councils or workers want. It is putting incredible pressure on people to do things they do not want to do. I say to the minister, it is my feeling and my understanding that the willingness to fight is there, and the fight has just begun.

**Hon. Mrs. Smith:** Ontario is changing, and in almost every respect these changes are for the good. We are a diverse province. Our people, our commerce and our varied communities all mirror this diversity. This new and fair act is a recognition of this rich reality. Our great cities, towns, villages, all of our communities, must adjust as we grow. This is one of our great challenges.

Let me speak to my own personal experiences as a Londoner. In Bayfield, a small town north of London that has always prided itself on its historic background, new bylaws have encouraged the creation of a flourishing town of small boutiques. We have a cottage in Grand Bend, and my children often go up there on a Sunday to browse around and shop. Port Stanley, a small community south of London, had serious problems as a resort centre some years ago and created a brand-new image: cottages redone into permanent homes, boutiques, restaurants. It is now a very popular family activity to pack



everyone into the car and go to Port Stanley to mosey around and have brunch, lunch or dinner. New jobs were created: important new jobs, jobs that went to people who lived in those localities who otherwise might have had to give up and move to a city, which they did not want to do.

In Toronto, there is a visible presence of many groups who have different religious traditions and different holy days to observe. Is any of this destroying our family values? Of course not. Occasionally when I am in Toronto for the weekend, I wander down to Harbourfront. I have the sense there that other people, like myself, are out for a break, a fun time, possibly away from a small apartment. Lifestyles change and they do vary.

I would remind all the members that in Sault Ste. Marie, after a one-year test of open Sundays, almost 60 per cent of the people voted to make a seven-day shopping week a permanent feature. Every ward in that city voted in favour of this. This is not to say that every municipality has the same needs as Sault Ste. Marie, Bayfield or downtown Toronto. It is impossible to sit here in Toronto and make that kind of judgement for another place. I doubt that most Ontario communities really want us to exert that kind of control.

**1720**

Over 100 Ontario communities have used their presently existing power under the tourist exemption clause of the old legislation to rewrite their bylaws. Often it has been to accommodate tourism, but not always.

Mississauga's so-called food stand is no more a tourist attraction than the neighbouring stores beside it, which must remain closed. Sarnia remains closed while Point Edward, practically a part of Sarnia, is open. Is this for the province to rule on? No, but it is for our government to ensure that when changes are made in a community's bylaws, the local people have a chance to input into that process. This has not been the case up until now.

Recently, I am told, yet another council has passed a bylaw with little or no opportunity for objection or input from the community or from competing businesses. They simply said to somebody, "You can open." This will not happen again, once this bill is enacted. The people will get their day in court, so to speak. They must be allowed the same type of input they have in zoning matters under the Planning Act within their own community.

Bill 113 is not a revolution. It is designed to accommodate change, when change is wanted, in a fairer, more open way. It is designed to

reflect changes that have already occurred. It is designed to allow communities to have a chance to comment on those exceptions that have occurred over the past years without public consultation. Within five years, the public will have an opportunity to speak to and approve or disapprove those changes.

As well as that, this law gives the community a strong instrument to enforce the status quo if that is what it desires. The provincial guideline for most businesses is exactly as it was. If a community does nothing, then almost nothing will happen, because this guideline will rule the day. Stores being opened illegally will stop doing so. Stores that are legal but too big will have one year to cut down their size or to get a municipal exemption to allow them to remain in business as is.

We have said from the beginning that this bill is fairer and more enforceable. Let me speak first to the enforceability. Strong teeth have been put in this bill so that when the people have spoken, when they have fashioned a bill that suits their community, whether by staying within the provincial guidelines or by moving outside those guidelines, this bill will make it extremely difficult for business to defy the law with impunity.

The maximum fines for breaking this law have increased to \$50,000, with a requirement upon the courts to take into account in setting these fines any evidence of gross sales. If any business defied the law in such a way that even the \$50,000 maximum may not act as a deterrent, then the courts may impose a maximum fine amounting to the gross sales of the day in question—an amount which may be considerably in excess of \$50,000.

Under the old legislation, charges could be laid, but the stores could not be closed down. This will no longer be the case; now stores can be closed. As Solicitor General, I want to say that this is a law that our police forces can enforce and our courts can uphold. It is a good law.

Let me speak then to the fairness of this bill. Recently in British Columbia, its retail shopping bill was declared unconstitutional because it did not protect the rights of religious minorities. Our bill directly addresses this question, protecting not only the rights of those who celebrate the Sabbath on Saturday but indeed the rights of all religious minorities, with all their varied traditions. Our bill meets the challenge that overthrew the BC bill.

Concern has been expressed by some members, in particular the member for Wellington

(Mr. J. M. Johnson), that the requirement for a declaration of its religion by a business is an infringement on privacy. On the contrary, where a community wishes to maintain a pause day based on our traditional Christian Sunday, then this religiously based exemption meets the requirements and the language expressed in the Supreme Court decision of Chief Justice Brian Dickson in the *Edwards Books and Art* case. It is by its own choice that a business makes such a declaration in order that it may take advantage of the clause that allows this equal opportunity for minorities to celebrate their own holy day.

Fair and enforceable: These are the challenges that we set ourselves and that we met in Bill 113.

Much time has been spent by my ministry and by the committee to make sure that this bill is practical. It recognizes that tourism is one of the four biggest industries in Ontario. Tourism created 400,000 jobs last year. It meant to Ontario \$10 billion worth of business in 1988. Those who are concerned about the working people should indeed be concerned about the people who were happy to get those 400,000 jobs.

We spend a great deal of money to encourage tourism because we know how vital it is to our economy, and I might say especially to our economy in those parts of the province that most need those jobs. We intend to continue to do this, and we know that the people of Ontario are the beneficiaries.

This bill deals also in a practical way with the area of essential services. We believe the new drugstore clause represents a practical solution. The sawoff between the rights of the many existing drugstores that have come into existence under the old law and the fair competition to other merchants was most difficult to achieve.

We believe, first, this bill will ensure that almost every community will have a drugstore service. We believe as well it is fair to those existing drugstores while at the same time preventing unfair competition for other types of retailers. Large quasi-department stores calling themselves drugstores, if they do not meet the definition of pharmacies, will not be allowed to remain open.

Many groups addressed the moral or social values involved in this bill. I must point out that even the largest churches did not object on religious grounds. Rather, their questions were based on family life issues. Many studies have been done on this subject; none has been able to establish any proof, any statistics that would support that Sunday openings contribute in any

way to marriage breakdown, juvenile delinquency or any other measurable quality of family life. Members may be sure that if such a study had been found, the opposition would have been quoting it extensively. Such figures cannot be proved.

Ontario values deeply the rights and needs of each of its citizens. Morality displays itself in our social services, our health care laws and our labour laws. It is demonstrated in the support given by government, by volunteer organizations and by individuals to help programs and to help their fellow citizens.

I, for one, believe that family life is most important. I do not believe for a minute that in Sault Ste. Marie, Temagami or St. George the quality of life will suffer because of the shopping hours. Probably TV has done more than anything else to alter family living. Many churches have adapted their service hours to the fact that many people work on Sunday and have other leisure Sunday activities as well.

The Supreme Court of Canada has spoken on employee rights and my confrère the Minister of Labour will speak to that.

We have reached the end of a long, thoughtful, healthy debate and now it is time to act. It is fair to say that we have listened to hundreds who disagreed or who misunderstood. It is equally fair to say that there are thousands and thousands across the province who are not being vocal because they understand and support this act. This silent majority wants the opportunity to shape its own community.

I look to the people of Ontario to decide for themselves what arrangements will best protect the lifestyle they want in their community. Their input at the local level will be appropriate. This bill belongs in a true sense to every person, as it empowers that person to help create in his municipality the kind of community he wants. I know that every community in our great and growing province will use this law wisely and well.

**1730**

#### EMPLOYMENT STANDARDS AMENDMENT ACT

Hon. Mr. Sorbara moved third reading of Bill 114, An Act to amend the Employment Standards Act.

**Hon. Mr. Sorbara:** I begin with the standard requirement of moving third reading of Bill 114, I know with the unanimous consent of all my colleagues, and sometimes with the support of the opposition parties as well, I suspect.



This is an historic moment and I am deeply honoured to be able to complete the debate in this Legislature on Bill 114, and as I do so, on the discussions we have had for many months now on the issue of better regulation of Sunday retailing.

We are about to conclude a debate that has taken up more legislative time perhaps than any other measure, certainly in this parliament and I think in the history of recent parliaments. This afternoon, we will pass these bills. Soon they will be given royal assent, and then they will become law and the debate will come to an end.

What really impresses me as this debate comes to an end is the marvellous news, the good news, that notwithstanding how protracted this debate has been, notwithstanding how long it has been, notwithstanding some of the antics we have seen, this parliament and its rules, its standing orders and its procedures, has accommodated, tolerated and made room for the democratic process with absolute ease. The good news is that after all the debate is over, we are in pretty good shape in this parliament.

During this debate, we have seen some of the strangest antics that any parliament should be asked to endure. We have seen members introduce petitions endlessly, for hours and hours, notwithstanding long-standing traditions to the contrary in this House. We saw the unusual, unprecedented situation where a New Democratic Party member of this House introduced a private member's bill and arranged for all his colleagues in his party to stand up in opposition to the bill so as to have an opportunity to ring the bells for a day or two. We have seen a most appropriate and accommodating use of a motion to allocate time so that we could all be satisfied as to how we were going to conclude the debate.

After all the antics, all the petition-reading, all the arguments on the other side repeated and repeated to the last syllable of recorded rhetoric in this House, we are going to pass the bills. After all that discussion, what was really the issue? The real issue was whether this government was going to discharge its responsibility to replace a law that was simply held in common disrepute and disregard around the province. Could we provide in this province a better framework to regulate retailing on holidays? It was challenging.

I think congratulations go not only to the Solicitor General and her parliamentary assistant, the member for St. Andrew-St. Patrick (Mr. Kanter), but to the standing committee on

administration of justice, which tolerated all that process and all those arguments repeated over and over again.

Our challenge was really to do three things: to provide a strong framework that could be uniformly adopted all over the province to regulate Sunday shopping; as we did that, to acknowledge that in this province, huge and diverse as it is, we would need to provide a flexibility to accommodate the local needs of local communities; third, and most important, in doing that, for the first time in this province to address ourselves to providing in statute, in laws, a measure of protection, an appropriate protection to regulate the extent to which retail workers were to be called upon to work on Sunday.

The most bizarre experience for me during this debate was to hear the Leader of the Opposition (Mr. B. Rae) in the speeches he has made on this subject condemn a measure that provides power to workers to say no. I remind the members of this House that in Bill 114, the amendments to the Employment Standards Act are very simple in their thrust. They provide a power to workers to say no to Sunday work.

It was bizarre indeed to hear the Leader of the Opposition seriously argue in this House against simple and straightforward mediation, because that is what Bill 114 calls for where there is a dispute in the workplace; and to seriously listen to the Leader of the Opposition argue against mediation expeditiously provided by a referee where there is a dispute between the workplace parties.

Power for workers to have some sort of control over their hours of work, an opportunity to have mediation expeditiously and at no cost, the opportunity to effectively arbitrate and mediate and resolve disputes expeditiously at no cost to the workplace parties are the very things I thought the New Democratic Party, with its close affiliation with organized labour, was in favour of. I could not believe my ears when I heard the Leader of the Opposition and the member for Hamilton East (Mr. Mackenzie) and others in that party make those arguments against real authority for real retail workers to make real decisions and to have the power for those decisions to be upheld by a statute that gives them the authority to do just that.

I am not surprised at all that the third party, the Progressive Conservative Party, was not supportive of Bill 114. After all, it is the party that introduced the current Retail Business Holidays Act. When they did so, they did not bring in companion legislation. They did not say, "We'll

have to do some thinking about the workers who are going to be affected by the legislation we're introducing." They simply said: "We'll let the marketplace govern. We do have an Employment Standards Act but we won't address it, because it's not an issue."

I understand where they are coming from, but believe me, I find it surprising and it is continually a cause of amazement for me that the New Democratic Party in this province resolutely refuses to support that initiative.

Interjections.

**The Acting Speaker:** Order, please. The Minister of Labour has the floor.

**Hon. Mr. Sorbara:** It is very nice to see the member for Cochrane South (Mr. Pope) here, the Labour critic for the Progressive Conservative Party. I am sorry he has not spoken more forcefully on this bill or perhaps convinced his party to support it.

1740

Interjections.

**The Acting Speaker:** Order, please. All members know that the minister is entitled to make his speech without interruption. Could he please be given the regard that he should be given in this final windup?

**Mr. J. M. Johnson:** On a point of order, Mr. Speaker: I would just say that if the minister wants the regard he is entitled to, then he should not address comments like he just did to my friend the member for Cochrane South.

**Hon. Mr. Sorbara:** As we conclude this debate, I think it is important to focus once again on the real substance of Bill 113 and the significance of the fact that, for the first time in this province, we have put into a bill, which will soon become law, a measure that retail workers can rely on.

If members look at Bill 114 and examine it, as we have done throughout this debate, they see that its terms are simple: that a retail worker who decides that for one reason or another he does not want to be assigned work in businesses that are open now—and I remind my friends in the New Democratic Party that Bill 114 applies to businesses that are open now legally on Sunday—those workers as well will have an opportunity—

**Mr. B. Rae:** If they've already been working, they can't stop working.

**Hon. Mr. Sorbara:** I tell the Leader of the Opposition that those workers as well—

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Sorbara:** I tell the Leader of the Opposition that those workers as well who now work on Sundays in businesses that are open will have new and enhanced rights under Bill 114. To do what? To simply say that they prefer not to work on Sunday, and if there cannot be an accommodation or an agreement reached with employers, an expeditious means of mediating the differences and resolving the differences is placed in the legislation.

As we wind up this debate, which, as I said, has taken a lot of our energy and a lot of our time, I simply want to say to the members of this House that all of us, I think, have participated fully and actively and that the result, when this legislation is passed, will be that we will have a strong, enforceable framework for regulating retail shopping on all those days covered by the act; we will have in a piece of legislation the flexibility to accommodate communities that choose, for one reason or another, to vary from that framework; and for the first time in this province, we will have legislation that specifically and clearly and appropriately provides protection for retail workers in this province who choose not to work in retail establishments on Sunday.

As we wind up this debate, I urge the passage of both of these bills and an opportunity to get on with the additional business that confronts us all in this House and in this province.

**Mr. Speaker:** On a point of order?

**Mr. Mackenzie:** No, there is still a minute, I believe.

**Mr. Speaker:** No, there is no response on the final windup, according to the standing orders.

Interjections.

**Mr. Speaker:** Order. Well, I have no choice, I guess.

**Mr. Mackenzie:** It is unfortunate that there is only a minute left to deal with such an absolute and total con job on workers in Ontario, and the minister knows that is what it is. The minister knows it clearly. He cannot name, other than one of his minions, a single person involved in terms of organized labour or in terms of dealing with the ministry and dealing with employment standards or dealing with contracts who will tell him that this bill is worth the powder to blow it to hell because it is not. It gives no protection to workers whatsoever and it is clearly a con job.

**Mr. Speaker:** Order. According to the orders set out by this House, we will vote now on Bill 113 and Bill 114. I will take first the motion of



the member for London South (Mrs. Smith) on Bill 113.

1800

# RETAIL BUSINESS HOLIDAYS AMENDMENT ACT

## LOI MODIFIANT LA LOI SUR LES JOURS FÉÉIES DANS LE COMMERCE DE DÉTAIL

The House divided on Hon. Mrs. Smith's motion for third reading of Bill 113, which was agreed to on the following vote:

### Ayes

Adams, Ballinger, Beer, Black, Bossy, Bradley, Brown, Callahan, Campbell, Carrothers, Chiarelli, Cleary, Collins, Conway, Cordiano, Dietsch, Eakins, Elliot, Elston, Epp, Faubert, Fawcett, Ferraro, Fleet, Fontaine, Fulton, Furlong, Grandmaître, Haggerty, Hart, Henderson, Hošek, Kanter, Kerrio, Kozyra, Kwinter, LeBourdais, Leone, Lupusella;

MacDonald, Mahoney, Mancini, Matrondola, McClelland, McGuigan, McGuinty, McLeod, Miclash, Miller, Morin, Neumann, Nicholas, Nixon, J. B., Oddie Munro, Offer, O'Neil, H., Owen, Patten, Pelissero, Peterson, Phillips, G., Polsinelli, Poole, Ramsay, Ray, M. C., Reycraft, Riddell, Roberts, Ruprecht, Scott, Smith, D. W., Smith, E. J., Sola, Sorbara, Sullivan, Sweeney, Tatham, Velshi, Ward, Wilson, Wong, Wrye.

### Nays

Allen, Brandt, Breaugh, Bryden, Charlton, Cooke, D. S., Cousens, Cunningham, Cureatz, Eves, Farnan, Grier, Hampton, Harris, Jackson, Johnson, J. M., Johnston, R. F., Kormos, Mackenzie, Marland, Martel, McCague, McLean, Morin-Strom, Philip, E., Pollock, Pope, Pouliot, Rae, B., Reville, Runciman, Sterling, Villeneuve, Wildman, Wiseman.

Ayes 82; nays 35.

1808

# EMPLOYMENT STANDARDS AMENDMENT ACT

The House divided on Hon. Mr. Sorbara's motion for third reading of Bill 114, which was agreed to on the following vote:

### Ayes

Adams, Ballinger, Beer, Black, Bossy, Bradley, Brown, Callahan, Campbell, Carrothers, Chiarelli, Cleary, Collins, Conway, Cordiano, Dietsch, Eakins, Elliot, Elston, Epp, Faubert, Fawcett, Ferraro, Fleet, Fontaine, Fulton, Furlong, Grandmaître, Haggerty, Hart, Henderson, Hošek, Kanter, Kerrio, Kozyra, Kwinter, LeBourdais, Leone, Lupusella;

MacDonald, Mahoney, Mancini, Matrondola, McClelland, McGuigan, McGuinty, McLeod, Miclash, Miller, Morin, Neumann, Nicholas, Nixon, J. B., Oddie Munro, Offer, O'Neil, H., Owen, Patten, Pelissero, Peterson, Phillips, G., Polsinelli, Poole, Ramsay, Ray, M. C., Reycraft, Riddell, Roberts, Ruprecht, Scott, Smith, D. W., Smith, E. J., Sola, Sorbara, Sullivan, Sweeney, Tatham, Velshi, Ward, Wilson, Wong, Wrye.

### Nays

Allen, Brandt, Breaugh, Bryden, Charlton, Cooke, D. S., Cousens, Cunningham, Cureatz, Eves, Farnan, Grier, Hampton, Harris, Jackson, Johnson, J. M., Johnston, R. F., Kormos, Mackenzie, Marland, Martel, McCague, McLean, Morin-Strom, Philip, E., Pollock, Pope, Pouliot, Rae, B., Reville, Runciman, Sterling, Villeneuve, Wildman, Wiseman.

Ayes 82; nays 35.

The House adjourned at 6:10 p.m.

**ALPHABETICAL LIST OF MEMBERS\***

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reyecraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in  
 each issue. Lists of the members of the executive  
 council, parliamentary assistants and members  
 of committees, brought up to date as necessary,  
 are published in Hansard in the first and last  
 issues of each session and on the first sitting day  
 of each month.

## CONTENTS

**Tuesday, February 7, 1989**

### Members' statements/Affaires d'intérêt public émanant de simples députés

<b>Sale of cigarettes to minors, Mr. Allen</b> .....	7963
<b>Heures d'ouverture des magasins, M. Villeneuve</b> .....	7963
<b>Media report, Mr. Cordiano</b> .....	7963
<b>Cable television, Mr. Farnan</b> .....	7964
<b>Sale of cigarettes to minors, Mr. Sterling</b> .....	7964
<b>Drug abuse, Mrs. LeBourdais</b> .....	7964
<b>Doctor's billing practices, Mr. Reville</b> .....	7965

### Oral questions

<b>Group homes, Mr. B. Rae, Hon. Mr. Sweeney</b> .....	7965
<b>Retail store hours, Mr. Brandt, Hon. Mr. Peterson</b> .....	7967
<b>Drug abuse, Mr. Brandt, Hon. Mr. Peterson</b> .....	7968
<b>Group homes, Mr. B. Rae, Hon. Mr. Sweeney</b> .....	7969
<b>Affordable housing, Mr. Harris, Hon. Ms. Hošek</b> .....	7970
<b>Highway construction, Mr. Chiarelli, Hon. Mr. Fulton</b> .....	7970
<b>Degradable plastics, Mrs. Grier, Hon. Mr. Bradley</b> .....	7971
<b>Voting by private members, Mrs. Cunningham, Hon. Mr. Peterson</b> .....	7972
<b>Irrigation, Mr. Dietsch, Hon. Mr. Riddell</b> .....	7972
<b>Child care, Mr. Allen, Hon. Mr. Sweeney</b> .....	7973
<b>Transit services for the disabled, Mrs. Marland, Hon. Mr. Mancini</b> .....	7974
<b>Private schools, Mr. McGuinty, Hon. Mr. Ward</b> .....	7974
<b>Detroit incinerator, Mr. D. S. Cooke, Hon. Mr. Bradley</b> .....	7975

### Petitions

<b>Teachers' superannuation, Mr. Miclash, tabled</b> .....	7975
<b>Mather Walls House, Mr. Miclash, tabled</b> .....	7975
<b>York region land development, Mr. Cousens, tabled</b> .....	7976

### First readings

<b>Tobacco Sale to Minors Statute Law Amendment Act, Bill 215, Mr. Sterling, agreed to</b> .....	7976
<b>Crown Employees Collective Bargaining Amendment Act, Bill 216, Mr. D. S. Cooke, agreed to</b> .....	7976

### Third readings/Troisième lecture

<b>Retail Business Holidays Amendment Act, Bill 113, Hon. Mrs. Smith, Mrs. Cunningham, Mr. Miller, Mr. Philip, Mr. Runciman, Mr. Neumann, Mrs. Marland, Mr. Farnan, Mr. Owen, Mr. Sola, Mr. Pouliot, Mrs. Sullivan, Mr. Brandt, Mr. B. Rae, vote deferred</b> .....	7978
<b>Loi modifiant la loi sur les jours fériés dans le commerce de détail, projet de loi 113, l'hon. Mme Smith, Mme Cunningham, M. Miller, M. Philip, M. Runciman, M. Neumann, Mme Marland, M. Farnan, M. Owen, M. Sola, M. Pouliot, Mme Sullivan, M. Brandt, M. B. Rae, vote différé</b> .....	7978
<b>Employment Standards Amendment Act, Bill 114, Hon. Mr. Sorbara, Mr. Mackenzie, vote deferred</b> .....	8002
<b>Retail Business Holidays Amendment Act, Bill 113, Hon. Mrs. Smith, agreed to</b> .....	8005



---

<b>Loi modifiant la loi sur les jours fériés dans le commerce de détail</b> , projet de loi 113, l'hon. Mme Smith, adoption du projet de loi en troisième lecture .....	8005
<b>Employment Standards Amendment Act</b> , Bill 114, Hon. Mr. Sorbara, agreed to .....	8005
<b>Other business</b>	
<b>Business of the House</b> , Hon. Mr. Conway, Mr. D. S. Cooke, Mr. Harris, Mr. R. F. Johnston, Mr. Speaker .....	7976
<b>Adjournment</b> .....	8005
<b>Alphabetical list of members</b> .....	8006













CA 20N  
XC 1  
-D23

Document  
Publication

No. 143

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**First Session, 34th Parliament**

Wednesday, February 8, 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

## **CONTENTS**

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.



# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, February 8, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### NORTHERN HEALTH SERVICES

**Mr. Morin-Strom:** While southerners are now suffering from a health care system that is not keeping up with their needs, three quarters of a million people in northern Ontario have put up for years without basic services. The health care crisis in the north is chronic and pervasive. While Toronto residents can get most of their health care needs met within minutes of their home, northerners must travel hundreds of miles just to give birth or to get a hearing aid fitted.

Last week, New Democrats received over 100 submissions at our hearings in Terrace Bay, Marathon, Chapleau, Wawa, Sault Ste. Marie, Elliot Lake, Little Current and Sudbury. Presenters before us echoed many of the concerns and solutions health care providers and consumers had raised in earlier hearings in northeastern and northwestern Ontario.

In three weeks of hearings, the New Democratic Party task force on northern health care has driven over 4,000 kilometres. It is clear that the problems caused by the lack of services and great distances cannot be solved solely with travel payments and costly institutional answers. What is needed are community approaches and an emphasis on keeping well, not curing illness.

Dedicated health care providers throughout the north are a lifeline for the people in their communities. Their example is not only an inspiration but a model of how health care services can be delivered. Unfortunately, a lack of government funding often limits or even threatens the work they do.

In reflecting a broad cross-section of the needs and ideas of northerners, our report on northern health care should act as a catalyst to prod the government into action, if it is willing to listen.

### ASSISTANCE FOR THE DISABLED

**Mr. Jackson:** I wish to bring to the attention of the Minister without Portfolio responsible for disabled persons (Mr. Mancini) the case of

10-year-old Wally Elgersma. Wally is confined to a wheelchair and suffers from spina bifida.

While enrolled in a public school, Wally received the assistance of the Victorian Order of Nurses through the Ministry of Health, but the government has cut off Wally's services as a handicapped student. They have cut off his VON services, because he has moved simply two miles from that school, because he is now enrolled in a Christian school.

The point is that this is not an educational program aimed at schools, it is a health program aimed at students, so it should not matter where Wally studies. Not only is Wally a victim of society's attitude towards the disabled in general; specifically, he is a victim of this government's policies.

His new school made modifications for a ramp; the provincial government has declined to assist. Wally's parents have asked for continued health support assistance from the Ministry of Health and this government has declined.

Is it the minister's position, as the chief advocate for the disabled in this province, that Wally should be discriminated against and denied needed medical service because of his Christian convictions? Unfortunately, the minister seems to be his own best example of his ministry's slogan that "Our attitude towards the disabled is their biggest handicap."

### WASTE MANAGEMENT

**Mr. Tatham:** Will Rogers said, "All I know is just what I read in the papers." Whether we read them or not, the local Toronto press certainly prints them. The Toronto Star uses 571 metric tonnes of newsprint per day. The Globe and Mail uses 112 metric tonnes per day. A source at the Sun said that the paper's newsprint usage falls somewhere between the Star's and the Globe's.

We all love our cars. General Motors of Canada Ltd. operates five plants in Ontario. The number of vehicles projected for the 1988 production year is 3,566 per day. Chrysler Canada Ltd. operates four assembly plants. Its current, February 1989, daily production is 2,194. Ford Motor Co. of Canada Ltd., with three companies, has current production in

February 1989 of 2,440 per day. Combined daily production is 8,200 vehicles.

After they have been used, would it make any sense to return our newspapers to whence they came and cars the same? It might reduce our solid wastes.

#### NORTHERN HEALTH SERVICES

**Miss Martel:** Last Friday in Sudbury, the New Democratic Party task force on northern health care finished the third leg of its tour in northern Ontario. The process originally began in 1988 after northern New Democrats received numerous complaints about the lack of adequate health care in communities across the north; eight months later we have visited 65 communities and received over 200 submissions from concerned groups and individuals.

I have participated in all three tours and have been struck by recurring problems with the northern health travel grant, the lack of community-based services, etc., but by far the most common problem was that of attracting and retaining specialists in northern Ontario, not only doctors but speech pathologists, nurses, audiologists, physiotherapists, psychiatrists, psychologists, etc.

The government's response has been the underserved area program which provides financial incentives to graduates to practise in the north. This is a Band-Aid solution. It is also the source of tremendous frustration to many communities which see specialists come and go as soon as the grant is used up. It is not solving the problem of a chronic shortage of badly needed specialists in the north.

The answer is the establishment of a medical training facility in the north, not a carbon copy of the University of Toronto medical school but one recognizing the special needs of the north, responding to the great distances and a rural, more generalized practice. This must include all specialties, not only training for doctors. It is time this Liberal government made a real commitment to adequate health care in northern Ontario.

#### FUNDING OF SOCIAL SERVICE AGENCIES

**Mr. Villeneuve:** Recently, I wrote the Minister of Community and Social Services (Mr. Sweeney) and the Deputy Minister of Community and Social Services concerning an upcoming strike by workers at the Dundas County Association for the Mentally Retarded. A tentative agreement had been worked out in mid-January, giving employees a seven per cent raise, based on

indications from the ministry that funding could increase by seven per cent. However, because of ministry cutbacks, that promised seven per cent came down to 4.5 per cent, the agreement collapsed and the strike is on.

The workers at the Dundas County Association for the Mentally Retarded are among the lowest paid in the entire province. An aide averages \$7.61 an hour compared to \$11.86 in Ottawa. A counsellor averages \$10 an hour compared to \$15.30 in Ottawa. This 40 to 50 per cent gap is much too large and serious efforts must be made to narrow the gap. The seven per cent increase originally proposed would have been a financially responsible step towards fairness in remuneration. This government is increasing taxes by millions of dollars, yet when it comes to delivering services to people who really need them, the money just is not there.

The Toronto bureaucracy grows, but services in the field decline. Taxpayers' dollars are not being wisely spent. I call on the minister and on the Ministry of Community and Social Services to live up to commitments to adequately support services such as the Dundas County Association for the Mentally Retarded.

#### GLOUCESTER POLICE

**Mr. Morin:** We recognize the many cultures in our society through a government policy that encourages cultural diversity. Although this policy is meant to foster understanding and acceptance, sometimes its practical application is problematic. In the case of police forces and the communities they serve, the last few weeks have shown how volatile situations can develop when two segments of a community both feel misunderstood and stereotyped by the other.

#### 1340

This government is engaged in an extensive program to ensure that all sectors of every community come to see each other not as adversaries but as partners working towards the same goal of a secure and peaceful society. I want to take this opportunity to commend the Gloucester Police force on its multicultural initiatives and its commitment to their implementation.

Gloucester has formed a recruitment advisory committee that encourages visible minorities to enter the police force. The force itself has developed an excellent two-day cross-cultural training program, through which officers develop a greater sensitivity to ethnic diversity and increase their ability to function effectively in a multicultural community.



I would encourage all communities to adopt similar programs to help them achieve harmonious community relations.

### OVERCROWDING IN SCHOOLS

**Mr. Cousens:** Tonight there is a meeting with the York Region Board of Education and the mayors of York region and the chairman of the region to discuss ways in which York region can obtain necessary funding for new schools. Last week there was a meeting in the York Region Roman Catholic Separate School Board where people from Brother André high school came: they were soliciting support from their board for new schools.

Some people in this House forget that we are dealing with one of the fastest-growing areas in the province, York region, an area to which many more people are moving. We wait until 80 per cent of the students are available before schools are built, so as a result we have 33 per cent of our students in portables.

I sincerely hope the priority of this government is to look after our young people and their need for quality education and quality schools.

### STATEMENT BY THE MINISTRY

#### ACID RAIN

**Hon. Mr. Peterson:** I would like to bring the members of the Legislature up to date on Ontario's efforts to protect our people and our resources against the harmful effects of acid rain.

Canada is proceeding to meet its 1994 goal of cutting its sulphur dioxide pollution by 50 per cent from the 1980 levels. As part of that Canadian effort, Ontario is committed to a 60 per cent province-wide reduction. Most of the reductions in Ontario will come from the four big polluters which generate four fifths of the emissions.

Ontario's emission reductions are taking place under the Countdown Acid Rain program, which was adopted in December 1985 and is now well under way and on schedule. Countdown Acid Rain sets specific emission limits for the Inco and Falconbridge nickel smelters in Sudbury, Algoma's iron-ore roasting plant in Wawa and all of Ontario Hydro's coal and other fossil-fuelled generating plants in the province.

Each regulation sets a permanent cap on emissions, to be reached by a fixed deadline in 1994. These caps are set at one third the sulphur dioxide pollution levels these four enterprises emitted in 1980.

The compliance reports we have recently received from the three companies and Ontario

Hydro show they have all found ways of doing what they once said was impossible. They estimate that they will collectively spend a total of more than \$3 billion to stop Ontario-generated acid rain.

Ontario and Canada are doing their part to significantly reduce sulphur dioxide emissions. At the same time we are mindful of the fact that half of the acid rain that falls on our province comes from smokestacks in the United States. If we are to reduce acid rain to levels which scientists tell us are necessary to protect the waterways and our resources, there must be a 50 per cent reduction in sulphur dioxide emissions originating in the United States.

During the recent US presidential campaign, Mr. Bush made some general comments about reducing acid rain. Although his approach was not outlined in specific terms, he spoke of reducing sulphur dioxide emissions by "millions of tons" by the year 2000.

More recently President Bush's appointees have promised that an administration-sponsored acid rain bill will be introduced in the near future. This Friday, Prime Minister Mulroney will meet in Ottawa with President Bush to discuss a number of issues, including acid rain.

Ontario stands ready and eager to play a positive and constructive role in any discussions that may come about as a result of this initial dialogue. We look forward to working with the federal government and other governments in order to bring about real and significant reductions in acid rain.

At this very moment, Ontario's Minister of the Environment (Mr. Bradley) is meeting with federal Environment minister Lucien Bouchard to clearly set forth Ontario's position with respect to such discussions.

It is Ontario's firm position that any program for reducing US-based sulphur dioxide emissions must meet at least the following two minimum requirements:

1. A minimum reduction in sulphur dioxide emissions of 10 million tons. An acid rain cleanup bill which calls for anything less will not protect Canada.

2. A permanent cap on acid gas emissions. It will do us little good in the long run if substantial reductions are achieved in 10 or 12 years, only to be followed by increases due to industrial growth. Reductions must be attained and maintained.

We believe that the most appropriate approach to accomplishing these objectives in a real and

tangible way would be through US acid rain abatement legislation.

An alternative approach that is being suggested by some is the pursuit of a bilateral treaty between Canada and the United States. We believe, for a number of reasons, that a bilateral treaty is not the most effective means of achieving real and timely results.

A bilateral treaty would require a two-thirds approval by the US Senate, rather than the simple majority needed to pass an acid rain abatement law. Moreover, the prospect of treaty negotiations could easily freeze all action in the United States Congress, extending an eight-year period of inactivity with respect to acid rain abatement.

Ontario and Canada have taken a leadership role in the fight to stop acid rain. I am hopeful that our American neighbours will soon join us in our determined effort to battle an enemy that knows no political boundaries.

At the same time, I am concerned that no representative of the Canadian people embrace or give the appearance of embracing American acid rain reduction plans that do not adequately protect Canadians and Canadian resources. We are all eager to work with our American neighbours in stopping acid rain, but I would not like to see anyone here grasping at a straw under the mistaken impression that it is an umbrella.

My government places and will continue to place the protection and preservation of our environment and the promotion of a clean and healthy Ontario as its foremost priority. Ontario will continue to exercise a leadership role in both a national and international context in the battle to stop acid rain.

## RESPONSES

### ACID RAIN

**Mr. B. Rae:** We know the government must be desperate in its attempt to find some good news when the Premier (Mr. Peterson) makes a seven-page announcement in which he tells us absolutely nothing new with respect to the actions of the Ontario government. He is simply repeating policies of his government which were in place as a result of the accord which he and I signed at the end of May 1985. There has been nothing new announced or done since that date.

There is not a thing the Premier can point to on acid rain that does not stem from the decisions that he and I made nearly four years ago. Now he is standing up, because George Bush is coming on Friday and because the government is desperate for the impression of actually doing something, saying, "Here we are. We are

announcing something," which has been in place, which has been established and which has been there since 1985.

I find it unbelievable that the Premier would have announced today the following. First of all, he says: "I would not like to see anyone here grasping at a straw under the mistaken impression that it is an umbrella." The government is not only grasping for a straw; it is grasping for a metaphor in its attempt to find a policy, because it does not have a policy.

The Premier then goes on to say that he does not want any representative of the Canadian people to "embrace or give the appearance of embracing American acid rain reduction plans that do not adequately protect Canadians and Canadian resources." He says that on page 7.

On page 5 of his announcement, he indicates publicly, without a fight, without a battle, without determining what it is that American politicians are prepared to do—and there are American politicians who are prepared to go much further than the reduction of 10 million tons; there are American politicians who believe that an even further reduction is possible—the Premier, without so much as sending a single shot, says that 10 million tons is okay with us, 10 million tons would be satisfactory. What kind of bargaining position is this, that Ontario would put its best possible position right out there on the table and say, "Now, you match that"? If this is getting tough, we are in for some very bad and sad times in this province.

### 1350

Why does the Premier not pick up the phone to his friend Governor Blanchard in Michigan and do something about the fact that there are now gas emissions coming from the Detroit incinerator? Why does the Premier not do something about that? Why does he himself not look at the fact that even with the reduction that is being proposed, we still have enormous problems in this province? We have lakes that are still dying and we have many resources that are being cut back because his government is not prepared to do more.

The announcement is called Update on the Reduction of Sulphur Dioxide Emissions. Then it says, "Check against delivery." This government ought to have that on every single thing it does. They ought to have little buttons that say that. They ought to have it monogrammed on their yuppie shirts, "Check against delivery."

This is a government that has not delivered, that is not due to deliver until 1994—one of the longest periods of pregnancy known to mankind—



a policy announced in 1985, due to be arrived at in 1994. Then they have the nerve to say, "We're going to be tough when it comes to dealing with the Americans," and they say to the Americans, "By the way, here is our negotiating position, George, just in case you want to know whether or not you can match it or meet it."

It is hard to take this government seriously in its effort to capture yet one more headline on a day when it is desperate for some kind of good news to save the sinking ship.

**Mr. Brandt:** I too want to respond to the "straw" and the "umbrella." I think it is important that we all make a comment with respect to that particular sentence. It was excellently written and particularly well delivered. I want the Premier to know that our party joins with him in the collective fight. We believe it is our responsibility as a Legislature to fight acid rain.

I do, however, go back to some memories that I have about some other positions that were put forward by his government by way of ultimatums in an earlier fight that took place that involved the United States, the six conditions involving the free trade agreement and the "Here I stand" document that seemed to evolve and change and move rather rapidly.

Once again, we have a "Here I stand" document with ultimatums set forth by the government of Ontario that are very interesting when one reads them. One cannot take issue with them, obviously, because they are a move in the right direction, but at the same time I would suggest that there is nothing particularly new or innovative about the position being taken by the government.

I would remind the current government, however, of a fact that seems to have escaped it time and again in connection with the acid rain reduction policies of this government. The environmental critic for our party, the member for Mississauga South (Mrs. Marland), has reminded the government of this fact on a number of occasions. I will remind them of it again.

The collective policy on the part of the seven eastern provinces to reduce Canadian acid rain emissions was not put in place by the Premier's government in 1985; it was revised by that government, but in fact was put in by a previous government that had concerns about acid rain, the first time in the history of this province that a collective agreement was arrived at to reduce sulphur dioxide emissions by some 50 per cent. It was an absolutely ground-breaking, innovative, new and never-done-before policy. I will tell the

Premier who led the fight: it was the then government of Ontario and the Conservatives. That is who led the fight at that particular time.

What the Premier did was to come along with some 1994 promises, which he has not met yet, with some hopes for the future with respect to the co-operation of the private sector. If all those hopes and dreams come true, then perhaps—

**Hon. Mr. Scott:** It really is time for a holiday.

**Mr. Brandt:** The Attorney General has had a holiday recently, so he should not be speaking quite so freely. Those of us who have been here in this assembly, fighting the issues on a daily basis, have missed him and we are glad he is back and we welcome him.

On the acid rain question, I simply want to say I hope that he gets the co-operation he is asking for and that the United States will in fact join hands with the leadership being shown by our Prime Minister and by the government of Canada in bringing down sulphur dioxide emissions in this country.

**Mrs. Marland:** It is really interesting today to hear the Premier of Ontario say that he would like to tell us about Ontario's efforts to protect our people. It was less than a week ago in this Legislature that I stood and asked the Premier how he was going to protect the people in Mississauga South in particular when the government was not planning to ensure that Ontario Hydro would be made to install scrubbers at the Lakeview generating plant.

How interesting that here today we have this pious statement telling us what the Ontario government is going to do with regard to the subject of acid rain. All it is doing is installing two scrubbers in eight coal-fired thermal units in this province by the year 2000, and those two will not even be in place before 1994.

How exciting this is and what reassurance there is for the people of this province when we have a Liberal government that does not seriously believe in protecting the people. If they did, they would ensure that the four chimneys, the four stacks at the Lakeview generating plant were to be fitted with scrubbers. In fact, there are no plans at all for scrubbers at that plant.

When I asked the Premier the question, he very flippantly said, "Oh, well, maybe we'll drop toxic chemicals all over a Conservative-held riding in Mississauga South and maybe that won't do any harm."

**Mr. Speaker:** The member's time has expired.

Interjections.

**Mrs. Marland:** That is what he said.

**Mr. Speaker:** Order.

**Mr. Sterling:** On a point of privilege, Mr. Speaker: I would like to welcome back the Treasurer (Mr. R. F. Nixon) and present to him a token of our appreciation for his conversion in Europe.

**Mr. Speaker:** Thank you. Order.

**Mr. Breagh:** I do not think it will fit.

**Mr. Eves:** Is that extra, extra large?

**Mr. Wildman:** Is that supposed to be a shirt or a toque?

**Hon. Mr. Nixon:** If it is not double XX, forget it.

**Mr. Speaker:** I do not know if that was a point of privilege or a point of recommendation or what? Was it recognition?

**Mr. Brandt:** Whatever it was, we got away with it, didn't we?

## ORAL QUESTIONS

### GROUP HOMES

**Mr. B. Rae:** The Minister of Community and Social Services will no doubt know that employees from the union which represents many employees who work in group homes held a press conference this afternoon just before question period.

I want to focus my questions on one particular request that they have made of the minister. I want to ask him why it is that he has refused to guarantee that no worker in a group home will be working alone, either during the day or at night. It is such a basic request. To quote from the union, "Unless it is met, it will mean that there will be more Celia Ruygroks and more Krista Sepps and the government will be responsible."

I wonder if the minister can tell us why he has continued to reject that very fundamental request from the workers whose lives are at stake when it comes to caring for these kids.

**Hon. Mr. Sweeney:** As I indicated to the honourable member—I believe it was on Monday, but I cannot be sure—we had immediately sent out word to all of our offices across the province to contact in turn all of the agencies that deal with young offenders and ask them to review their staffing practices in light of what they believed were particular needs. If they had that need, then they should respond to it. However, in terms of making a blanket statement with respect to that issue, I have indicated that we are launching a review for that very purpose.

### 1400

**Mr. B. Rae:** The workers who are out there cannot wait 90 days. If the minister thinks it is a problem and if he has recognized there is a problem—and he has, because he has started the review—surely that leads to the obvious question: Why does he not do something until the review is at least completed?

By way of supplementary, the male social workers who work in a group home which is either mixed or where there are women have asked, and it has been decided, that there will in fact be two on staff at all times in order to protect people against any charges of sexual assault. I would like to ask the minister, if it is good enough for the men who are being put in those situations, why it is not good enough for the young women who are being in put situations where clearly now, and this is no exaggeration, their lives are at risk, their health and safety are at risk. Why is the minister not doing the same for the women who are in those jobs as the homes are doing for the men who are in those jobs?

**Hon. Mr. Sweeney:** If I understood the first part of the honourable member's question, he seemed to be indicating that the decision has already been made that every worker in a single situation is automatically in danger. I do not know that. As a matter of fact, that is the purpose of the review.

**Mr. B. Rae:** Fifteen years ago, there was a controversy about whether there should be one or two policemen in a police car at night. An arbitrator ruled that there should be two policemen. The lawyer in that case representing the police association is now the Attorney General (Mr. Scott). The Attorney General was persuaded at that time, when he was in private practice, that police officers who picked up criminals and enforced the law, including the Juvenile Delinquents Act, needed to have two people because their lives were at risk. It is now a general practice in most municipal police forces that there are to be two police officers in a police car at night.

I want to ask the Minister of Community and Social Services this question: If it is necessary that two police officers be on staff when picking up a young offender at one o'clock in the morning, and it has been deemed that way since 1973-74, what is the logic of having one 19- or 20-year-old young woman on her own, caring for that same young offender after that young offender has been put into a group home? What is the logic of that clearly discriminatory practice?



**Hon. Mr. Sweeney:** The honourable member makes an automatic connection which is not necessarily so. I would expect that in most cases, when that young offender is picked up at one o'clock in the morning, he would be put into a secure facility, not into an open-custody facility.

The second point is he makes reference to the police. I would also have expected, although I do not know for sure, that there was a reasonably thorough review before that decision was made. I am going through exactly the same process.

**Mr. B. Rae:** The fact of the matter is that while the minister gets educated on what the problem is, people's lives are—

**Mr. Speaker:** Order. The question is to which minister?

#### NORTHERN HEALTH SERVICES

**Mr. B. Rae:** I have a question for the Minister of Health. I have read numerous statements by the minister that she has made over a number of years that basically the problem of shortages, waits and delays is essentially a Toronto problem and that other communities do not face these problems.

I want to tell the minister about a case of a woman in Thunder Bay, a Mrs. Laura Forsyth, who in May 1988 was put on a waiting list for knee surgery. She finally had her operation on December 30, 1988, seven months later.

In correspondence with my colleague the member for Lake Nipigon (Mr. Pouliot), who is going to be asking a supplementary question, the administrator of the General Hospital of Port Arthur states that "the waiting list for necessary orthopaedic implant surgery in this hospital is very long....I can also tell you that in this hospital we have experienced a shortage of anaesthetists which has had a considerable impact on increasing the waiting list for all types of surgery."

I wonder if the minister can tell us whether it is still her view that this is essentially a Toronto problem.

**Hon. Mrs. Caplan:** In fact, I have said in this House to the Leader of the Opposition and to others that waiting times are not new, nor are they unique to Ontario. What I have said regarding Toronto is that even in Toronto, waiting times vary from procedure to procedure and from hospital to hospital.

**Mr. B. Rae:** I do not think the minister dealt with my question with respect to waiting lists in Thunder Bay. Perhaps the minister could focus on this issue for a moment.

The doctor involved who finally was able to perform the operation on Mrs. Forsyth after a seven-month delay again writes and he says, "It is true that waiting lists have escalated almost to intolerable levels"—which means that we have a problem of a different level from ones we have had before—"and at the present time, I have 90 patients waiting for total knee replacements, patients that are waiting to be booked for surgery but who as yet do not even have a specific date."

I want to ask the minister again, in light of what I have just told her about the situation in the General Hospital of Port Arthur, is it still her view that this is essentially a Toronto problem?

**Hon. Mrs. Caplan:** In the development of provision of health services around the province, we acknowledge that services are provided as close to home as possible and in many communities across the province. The choice of institution or hospital, the choice of physician in fact, can vary the length of time that people wait. We know that physicians do their very best to prioritize based on need.

I can tell the Leader of the Opposition that the purpose of the Independent Health Facilities Act is to allow us to free up hospitals to do what they do best and to provide inpatient services and those services that require a hospital setting. I believe many of the new procedures that technology allows us to do in alternative ways will be addressed by that act. That will be a benefit, particularly in northern Ontario, as we look at many services that can be provided outside of the traditional institutional setting.

**Mr. Pouliot:** We have been telling the minister that there is a problem with waiting lists for essential services in health in northern Ontario. The minister does not seem to wish to be intent on listening. Perhaps if she hears the word of a practising surgeon in Thunder Bay, the point will at least begin to register.

This is what Dr. Porter says in his letter addressed to me on January 26, 1989:

"The surgical services provided at the Port Arthur general hospital traditionally over the years have been second to none in Canada, but these services are gradually being eroded away because of hospital cutbacks. The outlying physicians in northern Ontario are increasingly becoming frustrated with long delays in getting into surgery and are beginning to rely on other centres such as Winnipeg and areas in the United States for prompt service. If the latter occurs, the so-called 'two-tier health system,' a situation the government has been universally opposed to, will most certainly develop."

My question to the minister is this: When will the minister act, at long last, to ensure that northerners are entitled to and are the beneficiaries, the recipients of a first-class system, not the two-tier system that inevitably under the present system they risk finding themselves in?

**Hon. Mrs. Caplan:** We discussed at length during estimates numerous initiatives to provide access to effective quality care to the people of northern Ontario. I am particularly proud of the northern travel grant program and of the number of medical specialists who have been placed in communities in northern Ontario and supported.

I would say to the member that he misinterprets this if he suggests that there have been any cutbacks in budgets in hospitals in this province. That is absolutely not true. The truth of the matter is that every hospital budget has increased. Since 1984-85, we have increased hospital budgets by \$2 billion. This year there will be an additional \$500 million, taking the total to \$6 billion. Not one hospital budget has been cut back.

1410

#### HEALTH SERVICES

**Mr. Brandt:** My question is to the Minister of Health as well. In anticipation of the debate we are going to have later today with respect to the crisis in health care, we have been in touch with a number of the health providers and professionals in this province to determine from those who are on the front lines exactly what the problems are.

Just to give the minister three examples of the concerns they are expressing to us in our party, the Ontario Chiropractic Association has indicated that there are significant legislative changes taking place without warning or without consultation with its particular profession; the Ontario Nurses' Association is concerned about a lack of interest on the minister's part and the part of her ministry in resolving the nursing problems we have been bringing to her attention in this House; as for the Ontario Medical Association, I do not think I need tell her that the doctors of this province have lost trust and confidence in the manner in which her ministry has dealt with their profession, the most recent example being the rather arbitrary increase she gave them of 1.75 per cent.

How can the minister hope to solve the present problems and the present crisis in health care when she and her ministry are seen as being part of the problem rather than being part of the solution?

**Hon. Mrs. Caplan:** To the leader of the third party, as I have said before in this House, we do

not consider health care as a partisan issue. In fact, at the meeting in Moncton yesterday, ministers of health and finance from across this country agreed that the challenges facing us in every province of this country are the same.

We also agreed to work together co-operatively and to work together in consultation with the providers and the professionals in all of our provinces to seek the innovative and affordable solutions that will allow us to maintain, preserve and enhance access to effective, quality health care and appropriate health care in the future.

**Mr. Brandt:** When the minister talks about effective, quality health care, she also has to include in that context good management and good planning. On August 25 of last year, she indicated to the hospitals of this province that she was going to assist them in identifying certain areas where either cuts or reductions or some types of improved health delivery systems could be implemented in their particular institutions in order to help them meet the budget guidelines she and her ministry had developed.

Something longer than six months from that date, she still has not followed up on the promise and the commitment she made to assist the hospitals in attempting to get their budgets in below the guidelines she has established as the maximum. How can she expect these people to have trust and confidence in the system when she does not fulfil the very commitments she makes to the health providers, in this case the hospitals of this province?

**Hon. Mrs. Caplan:** The leader of the third party could not be more wrong. We have been working co-operatively with the Ontario Hospital Association on a transitional funding formula to make sure the hospitals receive a fair share of resources and that we have fair and appropriate funding for our hospitals. The level of consultation and co-operation with all of the associations speaks to their commitment to working with us co-operatively. The results of the conjoint review have been implemented and I can say we are making progress.

**Mr. Brandt:** I guess it is the old case of the minister not speaking to the same people we are speaking to, because certainly the people we are talking to in the health field do not see that level of consultation, trust and confidence she seems to think is there and which is certainly not evident in the health system.

Let me give the minister another example of why people are questioning some of the statements being made by her and her ministry with



respect to how the health system is being run. Two years ago, her predecessor, who sits very close to her, made a promise to construct a new hospital in the Orangeville area. Her ministry now is indicating very clearly that it is not about to follow through on the commitment made by her predecessor.

If that is wrong, will the minister commit again to the construction of that hospital, or are we in another position where two years ago one statement was made—namely, that there was going to be a new hospital in Orangeville—and now she is indicating something different than that? Those kinds of mixed, confused signals cause—

**Mr. Speaker:** Order. The question was put.

**Hon. Mrs. Caplan:** Again, the leader of the third party is not fairly representing the facts. As with other capital projects, the ministry provides two thirds of approved cost. In this case, in the case of Orangeville and the Dufferin Area Hospital, the ministry committed to provide \$20 million towards a \$30-million project.

It is very important for communities to plan within available resources and to work within the ministry's planning process. I can tell the leader of the third party that in fact ministry staff is working with the board to achieve that goal.

### HOSPITAL SERVICES

**Mr. Eves:** I have a question for the Minister of Health as well. I am sure that we all, including the minister, recognize the difficulty with waiting lists, time and the number of procedures being performed with respect to cardiovascular surgery.

Would it make sense to the minister to consider merging two of the three adult cardiovascular surgery units we now have in Metropolitan Toronto; namely Toronto General Hospital and Toronto Western Hospital? Does it make sense to her to even talk about the merging of those two cardiovascular surgery units, which would result in fewer procedures per year being done in Metropolitan Toronto?

**Hon. Mrs. Caplan:** In fact, I am not familiar with the premise or hypothesis that the member presents. I would say to him that we rely on advice from planners, who present proposals and recommend to us how we can best and most appropriately determine the services that should be available and how they can be provided in the most efficient and effective ways. If he has any suggestions or has gotten into hospital planning, I would be interested to hear his ideas.

**Mr. Eves:** If the minister is unaware of this, I find that rather alarming, to say the least. There was a think-in on January 24. There was another one on February 6. For her information, there is going to be another one on February 11.

Let me read to the minister the recent record of cardiovascular surgery procedures in Metropolitan Toronto over the last few years, since her government assumed power: In 1985 they did 2,709; in 1986 they did 2,687; in 1987 they did 2,612; and in 1988 they sank to a new low of 2,558.

Last year St. Michael's Hospital was capable of doing 1,000 procedures; it did 650. Last year Toronto General was capable of doing 1,150; it did 950. Last year Toronto Western was capable of doing 950; it did 958.

**Mr. Speaker:** The question?

**Mr. Eves:** A cardiovascular surgeon in the city estimates that the combined total of TGH and Western, which was just over 1,900 last year, if those two facilities were to be merged, as is being proposed or considered by the hospital board of the Toronto Hospital, the best they could do is 1,500 procedures a year. That is 400 less than they are doing now. Does this make any sense to the minister at all, and if it does not—

**Mr. Speaker:** Order. Minister.

**Hon. Mrs. Caplan:** I cannot comment on a proposal by the Toronto Hospital board which has not been presented to the ministry for review. The member knows full well that the hospitals are given global budgets and they then allocate resources.

My concern is the capacity in the whole system. I can tell the member that we know at the present time the capacity in cardiovascular surgery in six centres and nine hospitals across the province is approximately 4,400 and is being increased, as we know the capacity needs have increased. I can tell him that at the present time we are reviewing that to determine that the hospitals that are able to provide that capacity are doing so in a co-ordinated and co-operative fashion. We are working together.

**Mr. Eves:** I find it very difficult to believe that the minister is not apprised of this situation, because everybody else in the medical community seems to be apprised of it.

In fact, the nurses at the cardiovascular intensive care unit at Toronto Western Hospital wrote a letter to the members of the Toronto Hospital board on February 3. They are very concerned about this proposed merger of the two cardiovascular units. Their unit ranks among the

best. It is the best in Canada. It is among the best in the world, and they have excellent morale.

They sent a carbon copy to Vickery Stoughton. The minister will remember who he is, will she? They say, in part, in their letter:

"We strongly believe that the best corporate plans are based on strengthening one's assets, not destroying them. Recent media attention has highlighted the length of time patients in Ontario must wait for heart surgery.

"In health care, we have an obligation to be responsive to the needs of the public. We firmly believe that moving this excellent"—

**Mr. Speaker:** Question?

**Mr. Eves:**—"and efficient program would impair the quality of care we currently provide. It would take years to develop a program at the TGH site which incorporates"—

**Mr. Speaker:** Order. Do you have a question?  
1420

**Mr. Eves:** Is the minister going to assure us that this merger will not take place?

**Hon. Mrs. Caplan:** I can assure the member opposite and the members of this House that my goal is to make sure that people have access to the care they need as quickly as the doctors say they need it. I can tell him that the ministry has recently taken a program approach so that we can look across the province in the area of cardiovascular care, as he knows, in emergency health services and others such as mental health services, to make sure our co-ordinator, in this case of cardiovascular care, knows exactly what is available in capacity across the province.

I can assure the member that this approach will result in the most co-ordinated and effective delivery of services across the province. We have improvements to make. We are moving forward, and I am seeking advice from experts.

#### NORTHERN HEALTH SERVICES

#### SERVICES DE SANTÉ DANS LE NORD

**Mr. Reville:** My question is to the programmed Minister of Health. My leader, the members of our caucus from northern Ontario and I just came back from another seven days of hearings in the north concerning health care. As I got into the car on Monday morning in Wawa for the three-and-a-half-hour drive to Sault Ste. Marie, I picked up a day-old Sunday Star and read under the headline "'Vision' holds Caplan in a tough job," that in fact, the nursing shortage is "very much a downtown Toronto issue...."

The Minister of Health is wrong. Speaking to over 100 individuals in northern Ontario has

convinced me that the minister is wrong and that the minister might do well to listen to some other voices. Health care professionals, hospital boards—

**Mr. Speaker:** Do you have a question?

**Mr. Reville:**—nurses themselves have said there is a shortage of nurses in the north, and I want to know what it is the minister is going to do about the nursing crisis in the north.

**Hon. Mrs. Caplan:** In fact, as the member would know, vacancy rates in nursing vary widely across the province from relatively no vacancy rate in some communities to some seven per cent in downtown Toronto. We know that there are special challenges in meeting the needs of northern Ontario. That is the reason we establish co-operatively membership on the Northern Health Manpower Committee. I can tell him that these issues are being actively addressed.

**Mr. Wildman:** The minister must know—I hope she knows—that there is a 25 per cent vacancy rate for nurses in Hornepayne. On top of that, where we have a nurse practitioner practising in Dubreuilville, an isolated community at great distance from the nearest hospital, her ministry is continuing to harass that nurse and the operation on the basis that \$80,000 a year to operate that nursing station is too much, when in fact it is less than a number of other nursing stations in northern Ontario.

Why is the minister continuing to take this position instead of supporting the nursing station operation in Dubreuilville?

Pourquoi la ministre continue-t-elle à harceler les infirmières pratiquant leur métier à Dubreuilville?

**Hon. Mrs. Caplan:** The member opposite knows I have travelled extensively through the north. He knows of our commitment to the provision and access to effective quality care as close to home as possible. He knows of the numbers of initiatives we have taken in the north. I can say to him that if he has a concern about a specific issue, I would be pleased to look into it.

#### LITHOTRIPSY

**Mr. Eves:** I have another question of the Minister of Health. I would like to talk to the minister in the House this afternoon a bit about lithotripsy in the province. We know the minister has responded on past occasions as waiting for task force reports. We have a copy of the Scott task force interim report. I am surprised she did not announce it in the Legislature this afternoon.



I just want to quote one paragraph from this report:

"The members have reviewed the published evidence on the use of lithotripsy in the treatment of kidney stones and there is general agreement that expanded facilities for lithotripsy in Ontario could produce significant cost savings and provide the opportunity for more efficient reallocation of resources by reducing average lengths of hospital stay from about 12 to three days per patient and by reducing disability time from about 30 days after open surgery to less than five days.

"In the near future, lithotripters should be located in or under the direction of regional teaching hospitals that have educational programs for both urologists and technicians."

When can we expect the minister to make an announcement about additional lithotripsy units in Ontario?

**Hon. Mrs. Caplan:** As the member would know if he were paying attention in the House, I announced a task force on lithotripsy, with expertise from across the province, to advise me on the specifics of introduction of new technology in lithotripsy. I expect to have their report by March 31.

**Mr. Eves:** This issue was first raised in the Legislature by my colleague the member for Burlington (Mr. Jackson) nine or 10 months ago. We asked the minister about this in the House last October. Part of the Scott task force recommendation, the very line before the portion I read, says, "The background material on which the task force recommendations are based has been referred to the minister's committee on lithotripsy."

By her own statement, the minister's committee on lithotripsy was supposed to give her an interim report by December 31, 1988. We are now into February 1989. When are we going to get some action? Surely there is no doubt in the minister's mind now that we need additional lithotripsy units. Will the minister commit to this—

**Mr. Speaker:** Thank you. You have already asked a question.

**Hon. Mrs. Caplan:** The member is wrong again. I announced when I convened the committee that it would be reporting by March 31. The Scott task force gathered information and has forwarded it to the lithotripsy committee. I can tell the member that I am expecting their report by March 31, as I asked them to.

**Mr. Daigeler:** My question is to the Treasurer and Minister of Economics—

**Mr. Cousens:** Is it on Sunday shopping?

**Mr. Speaker:** Order. The member for Markham is making it very difficult to hear. I think it is only fair that the members are allowed to ask questions.

#### INFRASTRUCTURE RENEWAL

**Mr. Daigeler:** My question to the Treasurer relates to an open letter that I wrote in December to my federal colleagues in eastern Ontario. I urged them to lobby the federal government to resume funding for infrastructure costs as they did up to 1984. I have also asked the library research service to give me the figures on how much money is being lost nationwide because of the federal government's cutbacks.

According to this report, between 1974 and 1984, \$200 million was given towards the neighbourhood improvement program, \$128 million towards the municipal incentive grant program, \$400 million towards the community services contribution program and \$230 million towards the urban transportation assistance program.

**Mr. Speaker:** Do you have a question?

**Mr. Daigeler:** Given the magnitude of these dollars, may I ask the Treasurer whether he has brought up this matter of federal contributions to municipal infrastructure costs with Mr. Wilson and with his own provincial colleagues?

**Hon. R. F. Nixon:** I appreciate notice of the question having been given, which is the appropriate way if you want the details of the information requested. Actually, I wrote to the Honourable Robert de Cotret, Minister of Regional Industrial Expansion, on October 6, 1988, and again on January 5, asking that we at least initiate discussions leading to economic regional development agreement programs that would do precisely what the honourable member has suggested.

Under the previous federal regime—that is, the Liberal regime—there was a spectrum of programs designed to assist provinces and municipalities to maintain infrastructure. But in the last few years, because of the offloading of programs at the federal level, these costs are now going back to the municipalities and, to a great extent, still reside at the provincial level with really zero federal assistance.

1430

**Mr. B. Rae:** Do you call that the ancien régime or what was that?

**Hon. R. F. Nixon:** That's when you were up there criticizing.

**Mr. B. Rae:** That's what made it good.

**Hon. R. F. Nixon:** There's another vacancy there.

**Mr. Speaker:** Order.

**Mr. Daigeler:** I appreciate the actions the Treasurer has taken. In view of his very rich political experience that we recently applauded in this House, and in fact even moved by the leader of the third party, I would like to ask the Treasurer whether he has any advice to the members of this House as to how we might convince the federal government to resume its contributions towards this very important matter of municipal infrastructure costs?

**Hon. R. F. Nixon:** I am not sure how we can convince an intransigent government that should be assisting the provinces far more than it is. I think the honourable member is aware that because of initiatives taken at the federal level this province is short \$1 billion this year alone in support of medicare programs and post-secondary education.

We, however, have taken some substantial local initiative in establishing a program administered by the Minister of the Environment (Mr. Bradley). It is called LifeLines and it is designed to assist municipalities in rebuilding the infrastructure in the communities across Ontario. It is designed to assist over a period of 10 years, and we have allocated \$1 billion to it.

I wish there were more and I would expect in the future that however this is financed, it will require a good deal more money. It is my hope, along with the honourable member, that the federal government will see its way clear to assist the municipalities in Ontario and right across Canada in this essential and worthy program.

#### ASSISTIVE DEVICES PROGRAM

**Mr. Wildman:** I have a question for the Minister of Health, again regarding the assistive devices program.

During our visit to Elliot Lake, a Blind River pharmacist described a case of a veteran named Orville in Blind River, who had been receiving costly disposable ostomy appliances from the Department of Veterans Affairs and then later Greenshields.

When the ADP took over the program, it required an application for authorization of the vendor. It needed two recommendations. The closest registered authorizer was 142 kilometres away in Sault Ste. Marie. It took four to five months to process this application and by the time it was completed the patient had died. As Mr. Kennepohl put it, "The ADP has reached

100 per cent administrative purity; all the money is spent on administration and nothing on service."

What is the minister doing to end this bureaucratic nightmare in the ADP to ensure that patients receive the devices they need when they need them?

**Hon. Mrs. Caplan:** As I acknowledged in this House during estimates, the assistive devices program has experienced some growing pains, but I am proud to say that our government has expanded the assistive devices program to cover a number of assistive devices for residents of all ages.

In fact, I would say to the member that funding for the 1987-88 program increased some 40 per cent over the year before and that program alone supported 135,000 purchases from over 800 vendors.

I recently announced an expansion of the program to cover hearing aids, which will benefit some 35,000 people in this province at an increased cost, taking the program from \$1 million to \$16 million.

**Mr. Reville:** These bureaucratic numbers do not do much for me.

In terms of the growing pains of the ADP, the growing pains extend all the way from Elliot Lake to Sault Ste. Marie where, in fact, a person who lives in Elliot Lake must go to get a registered authorizer to sign the damned bit of paper so that he can get his assistive device.

The cost of getting that signature is about \$80. The device may be worth \$10, \$20 or \$25. All those costs are picked up by the taxpayer and they provide a huge pain for the supplier of the assistive device, many of whom do not want any part of the government's expanding program.

What is the minister going to do about it?

**Hon. Mrs. Caplan:** I acknowledge and have said on numerous occasions that in its massive expansion the program has experienced some growing pains. I can tell the member that I am confident we can make the kinds of adjustments necessary in our program so that people and clients can receive the necessary treatment as quickly as possible. There is more to be done, but we are making progress.

#### TRANSIT SERVICES

**Mr. Cousens:** My question is for the Minister of Transportation. Our party has raised this issue on a number of other occasions. My question deals with the minister's so-called first priority for rapid transit in Metro Toronto; namely, the Sheppard subway line. The minister has refused



to live up to his financial commitments for the Sheppard line, he has abandoned Metro Toronto and quite frankly he has dumped the responsibility of transit needs back on Metro. Why has the minister made this major departure in financial arrangements for rapid transit? Why has he not lived up to his commitment for the Sheppard subway line?

**Hon. Mr. Fulton:** I appreciate the member's question, but as is often the case, he is badly misinformed once again.

**Hon. Mrs. Caplan:** Wrong again.

**Mr. Eves:** Is that the only briefing you guys get over there?

**Mr. Speaker:** Order.

**Hon. Mr. Fulton:** I think the only intelligent question that came from that side of the Legislature was from my colleague the member for Scarborough-Ellesmere (Mr. Faubert) who asked the same question about a month ago. There has been absolutely no change in the financial arrangement with respect to this government funding transit projects.

**Mr. Cousens:** I wonder who is wrong. If only we could get the facts, then we would all be right. The fact is, people now realize that the \$100 million being spent for a one-mile extension to the Spadina line has everything to do with Toronto's Olympic bid and nothing to do with Metro's transit needs. Will the minister admit that he has reneged on his commitment to make the Sheppard subway his first priority in his Metro transit strategy and will he admit that his overall strategy, if he has one, rests on the International Olympic Committee decision in September of this year?

**Hon. Mr. Fulton:** We know who is correct and who is incorrect. The member has demonstrated again that he is incorrect and in the absence of facts. You cannot put a subway line on Sheppard in a cost-efficient way without affecting how the cars get there. The member for Scarborough-Ellesmere asked the very same question in an intelligent way some time ago in this House, unlike today.

**Mr. Jackson:** It was the same question, but he was misinformed.

**Mr. Speaker:** Order.

**Hon. Mr. Fulton:** He was not misinformed. I would suggest that the member for Markham (Mr. Cousens), who has shown no previous interest in transit in and around Metro and Ontario, certainly not as a member of the former

government, should perhaps ask some questions and be briefed by my staff.

Nothing has changed in the financial formula. We have an excellent relationship with members of Metro council and the transportation committee. The member is misinformed. I think he should take a look at what we have said with respect to effecting the Sheppard subway and the Spadina extension. I can assure him that the IOC had nothing to do with our deliberations.

## ENVIRONMENTAL PROTECTION

**Mr. Fleet:** My question is for the Treasurer. There is a growing public consensus about the repercussions of abusing our environment. Within our highly industrialized and materialistic society, there is an increasing recognition that, as consumers and often inadvertent polluters, we all share responsibility for the environment. In addition to a strong desire to use less hazardous products, people are prepared to pay more money in order to have a cleaner environment.

In the next budget, will the Treasurer introduce a significant new tax, an environmental protection tax on all products made or sold in Ontario which create or become hazardous wastes, are not practical to recycle when disposed of or involve unnecessary packaging?

**Hon. R. F. Nixon:** I thank the honourable member for notice of this question. It is a very useful one, because I am sure all members of the Legislature share the concern of the government for seeing that our environmental programs are adequately funded and allowed to expand to meet the needs of the community.

In this connection, the excellent statement of the Premier (Mr. Peterson) today indicated the leadership which this province has taken on a North American basis and is certainly much to be congratulated.

I think we should be aware that in the past three years we have increased the budget for the Ministry of the Environment by well over 50 per cent. Year over year, this year compared to last, the increase has been 10 per cent. If the minister were here, instead of being busily engaged in cleaning up the environment elsewhere, he might be the first to say that even that very generous allocation is insufficient and we would certainly try to do better.

## 1440

**Mr. Fleet:** The Treasurer will know of my interest in environmental matters. I have pursued that with him on a number of occasions. We now have substantial evidence, including public opinion polls, which indicates people are particu-

larly willing to pay more in taxes, whether through an environmental protection tax or ordinary taxes, if they know the extra money will be spent fighting pollution and helping to clean up the environment. In addition to what we have done in the past, in the next budget will the Treasurer commit the government to a significant increase of the financial resources of the Ministry of the Environment?

**Hon. R. F. Nixon:** I think the honourable member is aware that the increase in gasoline tax for leaded fuel was greeted with considerable enthusiasm in most parts of the province as an environmental tax. As the honourable member knows, the money has gone towards environmental purposes in every respect.

The concept of specially related environmental taxes is an extremely interesting and valuable one. The honourable member, as a leading proponent of environmental programs, would know that many of the people who share his enthusiasm have written to me personally and indicated that there might very well be additional taxes, for example on disposable diapers. I, for one, do not favour that, but a person who looks at the environmental effects might see that there was some rationale there.

It is certainly a matter that bears very careful consideration so that we can continue to allow the environmental budget to grow at a substantial rate.

#### NORTHERN HEALTH SERVICES

**Mr. Morin-Strom:** I would like to bring to the attention of the Minister of Health a release from her own ministry in August 1986 in which the Minister of Health at that time, the member for Bruce (Mr. Elston), committed to 176 new chronic care beds across northern Ontario, at a cost of \$25.3 million. The people of the north are wondering what happened to this promise.

I ask in particular with respect to a commitment to 28 beds to the Sault Ste. Marie General Hospital, with construction to begin in about two years. We are six months past that two years, and the ministry spokesman said last week that they are in the preliminary stages of review. What is happening within the ministry, when the government can make major announcements like that and then sit on them and do absolutely nothing? Where are these beds for northern Ontario?

**Hon. Mrs. Caplan:** I say to the member opposite that the announcements that were made by the former minister in 1986 are going through the normal planning process.

**Mr. B. Rae:** Well, why did he announce it in 1986? Is it a three year planning process?

**Hon. Mrs. Caplan:** It takes time.

**Mr. B. Rae:** Especially when you're having fun.

**Mr. Speaker:** We will just wait until the interjections die down. Order.

Supplementary, the member for Sudbury East.

**Miss Martel:** I have to wonder how long the planning process is going to take. Of the 176 new beds promised in 1986, 60 of those were due to go to the city of Sudbury. The district health council agreed that those beds should go to Laurentian Hospital.

In November 1987, I met with the hospital administration because they had not heard a word from the ministry about when the funding would flow for those beds. At the end of November, they were advised that the allocation of beds and the necessary capital funding had been approved. Last week, in spite of all this, hospital representatives in the region came before the task force to say they had no new news on the 60 chronic beds and wanted to know when the funding was going to flow. I would like to ask the minister when we can see the establishment of the 60 chronic care beds in Sudbury.

**Hon. Mrs. Caplan:** As the member opposite knows, and as we discussed on numerous occasions in this House, we have a seven-stage planning process within the ministry. She knows, as well, that concerns have been expressed in some communities that often the parameters within which the planning was begun changed during that planning process and caused sometimes lengthy and frustrating delays. It is one of the reasons that I encourage communities to plan within the parameters originally set, established and approved by the ministry, so that the planning process can be expedited.

We are, of course, as the members know, reviewing the process itself to make sure that we plan for the future to meet the needs of the people of Ontario.

#### WORKERS' COMPENSATION

**Mr. Pope:** I have a question to the Minister of Labour. The minister will be aware that the hearing officers' appeals for the widows of miners who have died of lung cancer started in January of this year in Timmins and in other northern Ontario communities. He will be aware of the fact that those appeals have started. As a representative of these families, I have therefore been involved in the hearing processes and have



had access to the information on the files of the claimants.

I would ask the minister why, in virtually every case, there is absolutely no information on the file with respect to exposure calculations in order that the miners can qualify or not qualify in terms of exposure units; why there is no information on dust levels in the various mines that these miners worked in; why there is no information on ventilation systems and the dates that these ventilation systems were improved; why there is no detailed medical information, including necessary autopsy reports and pathology reports; why there is no explanation of the X-ray—

**Mr. Speaker:** Order. That is four questions. Minister?

**Hon. Mr. Sorbara:** Mr. Speaker, you are right, of course; there are a number of questions there, and they are interesting questions. Obviously this is not the appropriate place to raise them because—

**Mr. B. Rae:** Where can you raise them if you cannot raise them here?

**Hon. Mr. Sorbara:** Now hold on a second, I say to the Leader of the Opposition, because the member for Cochrane South is talking about an adjudicative process that is happening within the worker compensation system. If he would like me to raise those questions with the board and bring back an answer, I would be perfectly willing to do that; but to suggest, as I think he is doing behind this question, that somehow the Ministry of Labour or the Minister of Labour should influence that adjudication process is inappropriate. I think my friend, the member for Cochrane South, knowing the system as he does, would acknowledge that.

**Mr. Pope:** I do not think it is inappropriate for the minister who has responsibility to the people of this province for the operation of this system to intervene, which he has been asked to do before, to provide for some better system of adjudication. Even his hearing officers are saying that they do not have adequate information on the file to make these decisions.

I have written on two occasions to the board, with copies to the minister, asking for generic hearings so that we can expeditiously deal with the claims of some of these widows who have had appeals pending for nine or 10 years. There has been no response from the board or from his ministry in order to expedite these hearings or provide basic information that widows and their families are entitled to. Now is the minister going

to intervene and provide for full disclosure of all information for these families so that they can get a fair hearing in front of the system or not?

**Hon. Mr. Sorbara:** Let's just step back a couple of steps and go back to the origin of this issue. It was about 18 months ago that the board finally arrived at a policy which would lead to appropriate compensation for some widows who had, I acknowledge to the member for Cochrane South, been waiting for a very long time. Those who advocated on their behalf did an extremely good job of finally making a case. In the end, when all the stuff is done, there will be some \$30 million paid out in compensation in appropriate cases.

If there are problems with the adjudicative system, I want to make sure the board is dealing with those problems. So I will take as notice the questions that the member for Cochrane South raised. I will bring them to the attention of the board. But I want to assure my friend the member for Cochrane South, and every member in this House, that I and no previous Minister of Labour, Liberal or Conservative, would interfere with that adjudication process.

1450

## LIQUOR LICENCE

**Ms. Collins:** My question is for the Minister of Consumer and Commercial Relations. As he knows, the Hamilton Airport located in my riding at Mount Hope is increasingly becoming a viable alternative to Pearson International Airport for many Ontario travellers. For some time now, the airport has been trying to offer the amenities of an international airport; however, there are no duty-free liquor sales available at this time. Will the minister inform the House of the actions his ministry has taken with regard to securing duty-free liquor sales at Hamilton Airport?

**Hon. Mr. Wrye:** I thank the honourable member for the question. The member has brought to my attention privately in the past her concerns and desires to have the Mount Hope facility upgraded.

The problem is, as the honourable member may know, that in effect no nonliquor duty-free tendering process took place. What we have done is offer Mr. Stout, who owns the nonliquor duty-free outlet, the ability to tender for both liquor and nonliquor duty-free outlets should he relinquish the office he now has. He has refused to do so.

To move this matter forward in the way I know my friend wants so the airport can attract more

international flights, the chairman of the Liquor Control Board of Ontario in early January, I believe, wrote to the airport manager, Mr. Ainsworth, and offered to open up a duty-free outlet run by the LCBO. That is where the matter stands. That offer is now under consideration.

**Ms. Collins:** Can the minister inform the House when the travellers using Hamilton's Mount Hope airport might expect duty-free liquor sales at this facility?

**Hon. Mr. Wrye:** We have made some progress. As I understand it, that airport is undergoing an expansion that will free up some space that was actually needed before we could even consider this matter.

There have been letters, as I said, going back and forth. Mr. Ainsworth has replied and has referred in his reply only to a duty-free liquor tendering process, which is not what Chairman Ackroyd had suggested in his letter to the airport manager earlier.

We are currently undertaking some discussions. I want to move this matter forward, but I suggest to the honourable member that we want assurances that the tendering process we have established in this government, an open and aboveboard tendering process in which all people will be asked to tender, will be followed in this case, and that at the end of the day the Mount Hope facility will have the same duty-free facilities we enjoy in several other airports in Ontario.

#### NORTHERN HEALTH TRAVEL GRANT PROGRAM

**Mr. Pouliot:** My question is to the Minister of Health. The minister says she is quite proud of the northern health travel grant. I see the minister nodding her head in acquiescence. She has a right to be proud because she will remember very vividly that it was indeed New Democrats who were responsible for the work and therefore the grant.

However, the limitations the minister places on the grant make it virtually impossible for people living, for instance in the township of Schreiber or the township of Terrace Bay, who must travel 200 kilometres to Thunder Bay for medical services, to be compensated in the least. They do not receive one penny of assistance from the provincial government for medical services. The same thing applies, for instance, to the 5,000 residents of Wawa who must go to Sault Ste. Marie.

**Mr. Speaker:** Do you have a question?

**Mr. Pouliot:** They are not getting any money. My question to the minister is this: Will she give serious consideration, by virtue of the fact the economy in Ontario is doing very well and revenues are up—taxes are up but so are revenues of course—to decreasing the number of miles to fit the criteria so that the good people of the north, the people who need it the most, can finally have access to health services—

**Mr. Speaker:** Thank you.

**Hon. Mrs. Caplan:** As the member knows, the purpose of the northern health travel grant program is to ensure access for northern residents to the services of specialists that are not available in northern Ontario. That grant, I am very pleased to say, was introduced in December 1985 by this government; in fact, over 100,000 people have had travel grants made available to them, totalling in excess of over \$1 million.

Since the beginning of that program, the travel limit has been reduced from 300 kilometres to 250 kilometres. We are always reviewing that. In fact, the kilometre guideline is established taking into account the distances people in southern Ontario travel as well.

**Mr. Reville:** Mr. Speaker?

**Mr. Speaker:** Yes?

**Mr. Reville:** Supplementary.

**Mr. Speaker:** Oh, supplementary.

**Mr. Reville:** Thank you. How are you doing?

**Mr. Speaker:** I thought you had a point of order.

**Mr. Reville:** No, Mr. Speaker, although probably I could think of one if I have to.

Everybody knows what the purpose of the medically necessary travel grant is. What we are concerned about is the limitations this government has placed on the travel grant. In addition to the mileage limitation, there are three other serious limitations that were raised by people in the north.

The first is that the travel grant, of course, does not begin to cover the cost of the travel. The second is that unless you are under 18 you do not get any money to take a companion with you. You can be blind or deaf or never have left your home town, but you do not get a companion; at least not one who is compensated for the travel. The third thing is that when you get to wherever you are going—say you have gone from Elliot Lake to Toronto—you have to get a hotel here and you carry the freight for that yourself.

What is the minister going to do about those limitations?



**Hon. Mrs. Caplan:** I think it is important to note that the program, which we believe is working well, has changed. We have added, I would say to the member, the travel assistance for addictions program and travel assistance for some dental procedures and for some optometric procedures.

As we review the program on an ongoing basis, we also have to take into consideration the fact that we are trying to make doctors in the north aware of what services are available in the north, because one of our goals is to encourage specialists to practise in the north so that people will have services available as close to home as possible.

We know that sometimes people are being referred out of northern Ontario when those services are available. We are doing what we can to let doctors know what specialty services are available in the north. Those have been increasing and are continuing to increase as we have constantly reviewed the travel grant program, which I would say is working quite well.

Interjections.

**Mr. Speaker:** It sounds as if the orchestra is a little out of tune.

#### GROUP HOMES

**Mrs. Cunningham:** My question is for the Minister of Community and Social Services. In our search around one of the tragedies this weekend, we have been given some information and we were wondering if he can confirm it or enlighten us.

Two facts have come to light. One is that the agency involved has been given the authorization and the funding to have two full-time individuals working at the home at night; that is the home where Krista Sepp was killed. The other fact that has come to our attention, and one we are concerned about, is that under the Young Offenders Act, staff at halfway homes do not have the right to search young offenders when they return from workplace assignments or other outside trips.

I am wondering if the minister can confirm or enlighten the House as to both of those pieces of information we have received that we are somewhat confused about.

**Hon. Mr. Sweeney:** Kinark Child and Family Services, being a service for children with serious emotional disturbances, has always had the authority to increase staff if, in its judgement, it believed it was necessary. That is a decision they must make. The member will recall that about a week before this incident, in fact they did

double staff in that house because they felt there was a possible concern. That was recognized and the funding is there to provide for that.

I have also indicated to another member that we have now advised all of our agencies to review it, and if they have a particular need, then to deal with it as they feel is most appropriate. So that opening has been there and it was an internal decision.

With respect to the second question she asked, I am sorry but I do not have that information. I cannot either confirm it or deny it.

1500

**Mr. Speaker:** That completes the allotted time for oral questions and responses.

#### VOTING BY PRIVATE MEMBERS

**Mr. Harris:** On a point of privilege, Mr. Speaker: Yesterday, the member for Brampton South (Mr. Callahan) rose on a point of order and provided information to the House accusing the member for London North (Mrs. Cunningham) of releasing part of his letter to the media with regard to a very controversial matter.

I rise today to correct the record and to point out that what was released by this member was the entire letter, the entire response that the member for Brampton South indicated he wanted released and wanted on the record in response to a letter from my leader. I think that information should be on the record, that indeed the wishes of—

**Mr. Speaker:** Thank you. I have listened very carefully. All members have the right to stand and correct the record, but only to correct their own record.

#### PETITIONS

##### TEACHERS' SUPERANNUATION

**Mr. McCague:** I have a petition from 241 members of district 17, Superannuated Teachers of Ontario. It reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"This proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

I have signed this.

#### YORK REGION LAND DEVELOPMENT

**Mr. Cousens:** I have a petition from people from Thornhill, Gormley, Markham and Unionville:

"To the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the dramatic growth rate in York region has placed extreme pressure on the municipal planning process, and given that serious allegations have been made regarding the integrity of this process in York region, we strongly urge the provincial government to conduct a full and open public inquiry into the municipal planning process and land development practices of York region."

It is duly signed and signed by myself.

#### HOSPITAL SERVICES

**Mr. McLean:** I have a petition signed by 870 people. It reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament as follows:

"We would like to see expanded facilities for bypass surgery."

This is a petition these people have gone to a great deal of work to gather 870 names for. It comes from the cause of delays in surgery for Lloyd Crawford from Oro Station who has been waiting for many months to have his heart bypass operation. His wife went to work and got this petition to bring it to the attention of the Minister of Health (Mrs. Caplan).

**Mr. Speaker:** And you have signed the petition, have you?

**Mr. McLean:** I have signed this petition to make sure it is legal and that you will accept it in good order.

#### AUTOMOBILE INSURANCE

**Miss Martel:** I have a petition forwarded to me by Dave Campbell, the president of the United Steelworkers of America in Sudbury. It is signed by literally hundreds of people in the Sudbury riding, who simply state:

"To the the Lieutenant Governor of Ontario and the Premier (Mr. Peterson):

"We the people of Ontario strongly object to the proposed increases to our automobile insurance rates."

I have signed my name to this and I agree with them entirely.

#### ABANDONED RAIL LINES

**Mr. Pollock:** I have a petition signed by 39 people, which reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"In favour of the CNR right-of-way abandoned lands being offered to the farm owners, and other abutting private owners, to purchase at fair market price for vacant land, where these lands divide their farms, and abut other private property from Stirling municipality west to Campbellford municipality east."

I have a second petition which is signed by 17 people and reads as follows:

"To the honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"That the abutting property owners be allowed to purchase at fair market value the abandoned Canadian National Railway properties lying along the former rail line from the village of Stirling east to the township of Rawdon." I have signed this petition.

#### REPORT BY COMMITTEE

##### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr. Furlong from the standing committee on regulations and private bills presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr60, An Act respecting the Sudbury Hydro-Electric Commission;

Bill Pr61, An Act respecting The Sisters of Social Service;

Bill Pr76, An Act to revive John Zivanovic Holdings Limited;

Bill Pr79, An Act respecting the Town of Markham;

Bill Pr81, An Act respecting The Windsor Light Opera Association.

Your committee recommends that the fees and the actual cost of printing at all stages and in the annual statutes be remitted on Bill Pr61, An Act respecting The Sisters of Social Service.

Your committee further recommends that the fees and the actual cost of printing at all stages



and in the annual statutes be remitted on Bill Pr81, An Act respecting The Windsor Light Opera Association.

Motion agreed to.

## INTRODUCTION OF BILLS

### CITY OF LONDON ACT

Mrs. Cunningham moved first reading of Bill Pr74, An Act respecting the City of London.

Motion agreed to.

### LANDLORD AND TENANT AMENDMENT ACT

Ms. Bryden moved first reading of Bill 217, An Act to amend the Landlord and Tenant Act.

Motion agreed to.

**Ms. Bryden:** The purpose of this bill is to ban the inclusion of no-pets clauses in leases for residential apartments, because they are being used by some landlords to evict responsible pet-owning tenants whose pets cause no disturbance to the other tenants or the landlord.

**Hon. Mr. Conway:** Mr. Speaker, if I might, before my friend the member for Parry Sound (Mr. Eves) rises to speak, I should indicate through you to the table that our whips have been discussing this afternoon's timetable and there is an agreement among the whips that the afternoon's time be shared in two ways: that the last hour, that hour preceding the taking of the vote, be shared on a 20-minute round robin for wind-up speeches, one from each party, and that the other time from now through to about 5:45 be shared among the three parties equally on a rotational basis.

1510

**Mr. Speaker:** I guess I should ask for unanimous consent from the House so the table will know it is expected to keep track of the time and the last hour will be divided. I hope no one will feel hurt if the Speaker interjects during that last hour to remind him or her that 20 minutes is up.

Agreed to.

**Mr. Eves:** Speaking of unanimous consent, I would ask the permission of the House, in the absence of the member for Sarnia (Mr. Brandt), to move the nonconfidence motion.

**Mr. Speaker:** Is there unanimous consent to that request?

Agreed to.

## ORDERS OF THE DAY

### HEALTH SERVICES

Mr. Eves moved, on behalf of Mr. Brandt, motion 4 under standing order 70(a):

That the government lacks the confidence of the House because of its failure to maintain a quality health care system, which the people of Ontario have come to expect, resulting in the increased suffering and mortality of patients, the closing of hospital beds, the increased waiting lists for health services forcing more citizens to seek health care outside the province, the deterioration in the co-operation between the government and health care providers in the province, and the frustration of all persons involved in health care in Ontario because of this government's lack of planning and setting of priorities for capital expansion and improvements, lack of leadership in developing adequate support and funding to facilitate a more community-based approach to health care delivery, lack of action in reforming the Ontario health insurance plan system and systematic attempts to blame everyone else for the problems in the health care system.

**Mr. Speaker:** Just before the debate commences, I remind all members that under standing order 70 the Speaker will call the members to order at 5:50, and if a vote is taken, the bells will ring for five minutes.

**Mr. Eves:** I will at the outset, if I might, outline a couple of areas I plan to touch on very briefly this afternoon, first, with respect to the motion of nonconfidence put forward by the leader of our party.

We on this side of the House, and I know people in the health care professions generally, are very disturbed about the confrontational approach that this government has chosen to take with respect to health care in the province. We only have to look back a few months to see the disagreement between the Ontario Hospital Association and individual hospitals across this province and the Ministry of Health.

We have a Minister of Health (Mrs. Caplan) who professes to take a co-operative, consultative approach to the health care system. I would like to remind members in the Legislature this afternoon of that co-operative, consultative approach with respect to Cambridge Memorial Hospital as one example.

When the minister—having a copy of the government's task force report with respect to Cambridge Memorial Hospital in front of her and not being satisfied, I suppose, from her point of

view, with the contents therein—unilaterally sent in an inspector, Mr. Stoughton, to the hospital, without informing the hospital ahead of time, to do an investigation of the investigation that was already done; and when the Deputy Minister of Health said down at L'Hotel that he is going to have the head of the administrator of Cambridge Memorial Hospital on a platter, I do not think those things smack of a co-operative, consultative approach to government or health care in Ontario.

Then we have to look at the optometrists, who were in front of this Legislature just a few short weeks ago. They received unilateral imposition of a retroactive decrease of 4.35 per cent in their fee schedule, almost a year late, when an independent committee with an independent chairman—this is the government's own committee, its own independent chairman of its own choosing—recommended to the person who appointed him that optometrists receive the same fees that ophthalmologists did for certain procedures. The government disregarded his advice altogether and unilaterally cut optometrists' fees by almost 4.5 per cent a year later. Is that a co-operative, consultative approach to government?

During the Ontario Medical Association fee negotiations, the government proposed a 1.75 per cent increase. The OMA asked for something more, in the neighbourhood, I believe, of 5.7 per cent, if my memory serves me correctly. There again an independent fact-finder was appointed by the government and the OMA together. They both agreed on this individual. The fact-finder's recommendation was somewhere in between, on middle ground if you will. I believe this is the first time in the history of Ontario that a Minister of Health has not paid attention to a fact-finder's recommendations with respect to the OMA fee schedule. That is not a co-operative, consultative approach to government.

The pharmacists in this province have received the same treatment as the other three bodies that I have just mentioned.

The Minister of Financial Institutions (Mr. Elston) used to be the Minister of Health, and he made a commitment to the physiotherapists three years ago. The gap in physiotherapist fees keeps widening instead of being reduced to nothing, which he committed his government to over three years ago.

This is indeed a confrontational approach to many individual groups in the health care professions.

We have a Minister of Health and a Ministry of Health which claim to be concerned about the nursing shortage in Ontario. Let's talk about the nursing shortage for a moment.

When members of the opposition first raised the question of a nursing shortage in this Legislature about a year and a half ago, the minister at first responded that there was no nursing shortage whatsoever in the province. Then when we found out over a year ago now, around New Year's of 1988, I believe, that we were flying newly born babies and infants to other jurisdictions and we were flying mothers and expectant mothers to other jurisdictions because we could not treat them properly here in Ontario, the Minister of Health stood in her place and said, "Well, I guess there is a nursing shortage after all, and it is the reason we have to do all these other things, because we do not have enough nurses who are adequately trained who are here in the province."

Then the minister's response a few weeks after that was: "Yes, we have a nursing shortage, but it is cyclical problem. It will solve itself." I suppose it is like lemmings every seven years; the minister's lemming theory about the nursing shortage in Ontario, if you will.

I believe her next response was somewhat in the neighbourhood of, "Yes, we have a nursing shortage, but don't worry about it, because next year we will graduate more new nurses than we ever have before in Ontario and the nursing shortage will be solved." That is another response the minister has given.

These are somewhat contradictory responses, I might point out, to a very serious problem.

Another response the minister often gives is, "Yes, there's a nursing shortage, but nurses in Ontario are the highest-paid anywhere in Canada." The minister apparently has lost the whole point. The nurses are leaving this jurisdiction and they are going to other jurisdictions, namely, south of the border.

**Mr. Haggerty:** They do it every year. They have been doing it for years and you know it.

**Mr. Eves:** They are doing it in increasing numbers now, more so than they ever have before.

The minister has on her plate four separate reports dealing with the nursing shortage in Ontario. It is remarkably coincidental that almost every one of these reports makes almost exactly the same recommendations. While the minister is quite correct to stand in her place and say that not all of the recommendations are monetary or fiscal in nature—and that is quite true; there are some



things the ministry can do that are not monetary or fiscal in nature—they are not even doing those.

We have asked the minister to stand in her place, time after time, day after day, week after week in this Legislature, and explain what steps she is taking following the recommendations of the four reports she has tabled on her desk. For a year and a half, she could not act because she was waiting for the reports. Now she has them all. It will be a year in March. Almost a year today, 11 months ago today, she received the first one. She has taken no steps whatsoever to deal with any of these problems.

The main problems are fiscal in nature. It is fine for the minister and the Premier (Mr. Peterson) to say that the Ontario Hospital Association and the Ontario Nurses' Association should go away and renegotiate their contract, but she will not give a commitment that she is going to provide the OHA with the necessary funding.

She knows full well that the hospitals receive 90 per cent of their budgets from the provincial government. She knows that 80 per cent of hospital budgets are in fact labour intensive, namely, nursing, and yet she absolutely and consistently refuses to do anything about this very severe problem.

1520

**Hon. Mr. Conway:** How much is enough?

**Mr. Eves:** How much is enough? Obviously, a lot more than is being committed to nursing today. It is obviously not enough. When a nurse who has 25 years' experience, and a lot of it in intensive care, makes slightly over \$4,000 a year more than a nurse who graduated yesterday, there is obviously something wrong with the system. It does not take a Rhodes scholar to see why nurses are leaving their profession in droves in Ontario.

We have asked the minister on several occasions about waiting lists for cardiovascular surgery in the province. I think that just exemplifies the problems in our health care system today. We have had various occasions when the minister has told us that the waiting lists are not growing longer, and that has been absolutely disagreed with by every cardiovascular surgeon I have talked to in the city of Metropolitan Toronto in the last year. The waiting lists are growing longer, there are more people on them and more people are dying while waiting for cardiovascular surgery than ever before.

I just read out to the House this afternoon during question period the number of cardiovas-

cular surgery cases performed in Metropolitan Toronto by the three adult cardiovascular surgery units since 1985. The number is not going up, with all due respect to the Minister of Health. These are supplied by cardiovascular surgeons. The numbers are going down. We are doing fewer and fewer procedures every year in Metropolitan Toronto, despite the fact that our technology enables us to do more and more.

The minister announced on June 9, 1988, that she was going to address this problem by finally funding the fourth cardiovascular surgery unit at Sunnybrook Medical Centre. She was also allocating money—there was a total sum, I believe, of some \$18 million—to increase the capacity at the other cardiovascular surgery units in Metropolitan Toronto, to quote the minister, "almost immediately." Those are the two words exactly that she used in her own press release and statement in this House. "Almost immediately" these changes would take place.

It is not almost immediately, with all due respect to the minister. We are now in February 1989. I do not think that anybody, under any definition of the term "almost immediately," could consider eight months later and no action and no improved results in the system to be almost immediately. We are now being told that it will probably be the end of this year before the fourth unit at Sunnybrook hospital takes effect.

While all this is going on and we thought we had made these strides and at least taken some steps towards trying to deal with the problem, we now find out that there are negotiations going on between the Toronto General Hospital site and the Toronto Western Hospital site of the Toronto Hospital to merge the two cardiovascular units, which would have a net result of doing 400 fewer procedures a year.

What is this government doing? Do they not know what is going on? It sounded like that to me in this House this afternoon. I am sure the minister will correct me if I am wrong. She had every opportunity to do so during question period. She does not even know about these negotiations that are going on.

**Hon. Mrs. Caplan:** I kept saying you're wrong all through question period.

**Mr. Eves:** Is the minister not aware of the negotiations that are going on to merge the two cardiovascular surgery units? Is she or is she not? She had every opportunity to say whether she was this afternoon.

Speaking of who is right and who is wrong, if members will refer to the Hansard of this afternoon, I said that the lithotripsy committee

was to give an interim report to the minister by the end of the year. She steadfastly denied that.

I am reading from the minister's own press release on October 21, 1988. These words came out of the minister's own lips in this House, "It will prepare a progress report by the end of this year"—that was 1988, I believe. When is the end of the year? I always thought it was December 31—"and make its final recommendations to me by March 31, 1989."

Who is right and who is wrong? "Progress report" is what I said. It was supposed to be done by the end of the year.

I wish the minister would not keep on going in circles. I really wish she would take seriously the health care crisis that obviously exists in this province today. It is getting worse and worse by the day while we have a government that does study after study after study, and even when it gets the results of the studies—it has four studies on the nursing shortage—still does absolutely nothing about the very severe problem.

Unless we get a government and an approach to government that is going to deal with the health care crisis, the waiting lists are going to get longer. Unfortunately, more people are going to die on waiting lists. In five or 10 years' time, we are going to have a health care system in this province that no government, however well-intentioned, is going to be able to reverse the trend on.

I think it is time for the government to act. The morale in the health care system is deplorable. It really is in a sad state of affairs. We have a government that gives lipservice to saying that it is co-operative and consultative, yet I have rhymed off about six examples of where it has directly taken a confrontational approach. It is 97 per cent of the population against three per cent, or 98.5 per cent against 1.5 per cent. That will get us 94 seats in the next election.

This is the same government that promised to eliminate OHIP premiums in both the 1985 and 1987 general elections and has not taken one step towards dealing with that problem either, I might add.

Unfortunately, with health care, the people of Ontario do not become concerned until it affects them, a member of their family or somebody very close to them. Unfortunately, it seems the media will not pay attention until people die. When those factors hit home to people, to somebody close to an individual in Ontario society, then they begin to see the crisis that our health care system is in. It is a service that you

hope you never have to use, but when you have to use it, it had better be there.

If this government does not take a different approach to health care in the very near future, we are going to go down a road that it will be impossible to retreat from in this province. We used to have a world-class health care system. We used to have the best health care system in the world, I believe. We are going the wrong way.

If this government will not take some very direct steps to deal with these problems in a truly consultative and co-operative approach—there is a lot more to listening than just sitting in a room while somebody says his piece and then doing whatever Dr. Barkin wants to do anyway. A truly consultative, co-operative approach to anything is actually participating with somebody in a dialogue, taking up on his good, new suggestions and following through on them.

The Independent Health Facilities Act is another example of that. How anybody could profess to introduce a system where Gestapo-type investigators can go into any health facility, not just an independent health facility—the bill says any health facility and defines health facility, which includes a doctor's office, which is not an independent health facility under the bill—seize medical records, seize samples and do whatever they want with them and interrogate anybody in that health facility, including a patient, and not be accountable or responsible to anybody—I do not know how any Minister of Health could ever introduce a piece of legislation with such powers.

This is the same minister who said on TVOntario two Thursdays ago that she had not introduced a Smart card system yet because she was concerned about patient confidentiality. If that is not the most hypocritical statement I have ever heard, when her own bill has this type of provision in it, I do not know what is. The minister had better start adopting a more consultative, co-operative approach or the health care system in Ontario is going to hell in a handbasket.

**Mr. Campbell:** The Ministry of Health is committing a significant amount of its financial resources to ensure that specialists, family practice and other health professional services are available to the people of northern Ontario. It was also this government that put into place the northern travel program to ensure that northern Ontarians are financially supported if they are required to travel to other regions to receive needed health services. I am also pleased, as the former chairman of health and social services of



Sudbury region, that it was as a result of our Sudbury regional council bringing that to the attention of this government. It was swiftly acted upon. Let the record show that in support of those two programs, this year alone the Minister of Health will spend an estimated \$19 million.

We in the north are also proud of the excellent heart surgery services being undertaken at Sudbury Memorial Hospital, the regional cardiovascular centre for northeastern Ontario. About 75 per cent of all heart surgery for residents of northeastern Ontario is now performed at Sudbury Memorial Hospital. In 1968, this hospital was the first hospital in Canada to perform such service.

While we are on the subject of hospitals, I think it is incumbent upon me to set straight the record on the impression that was left in an earlier question regarding Laurentian Hospital. I stress the fact that this service is being provided. In fact, Laurentian Hospital knows it is at the block schematic stage or stage 3 of the planning process. The approval to the next stage should be forthcoming shortly. I might also correct the record by saying funding does not necessarily flow until the seventh stage of that planning process. So Laurentian Hospital is well aware of the fact it is well on the way for this facility to open in Sudbury.

This year Sudbury Memorial Hospital will carry out a projected 430 heart operations, an increase of 130 procedures over two years ago, a phenomenal increase if you look at the numbers. It has been funded to do that. As an example of its leadership in this field, the Minister of Health appointed Vicki Kaminski, assistant executive director of nursing at Sudbury Memorial Hospital, to help conduct an investigation into the scheduling of heart surgery at St. Michael's Hospital here in Toronto. Members should be aware that Sudbury's cardiac program has developed to such an extent that Sudbury Memorial is no longer referring heart cases to other centres.

There are instances when our residents do require the medical services of specialists in other parts of the province or in Manitoba. A major initiative of our government, implemented on December 1, 1985, and expanded since then to make more people eligible, has allowed northern Ontarians to travel for medical services without suffering financially.

The northern health travel grant program approves travel grants for northern Ontario residents who must travel 250 kilometres or 153 miles, or more, to a medical specialist or hospital

service in Ontario, or Manitoba or to certain general practitioners in northern Ontario who provide specific surgical and other specialized services. As of September 30, 1988, nearly 28,000 northern Ontario residents had made use of this beneficial government initiative in just under three years of the program's existence.

This government also recognizes the special challenges to be faced in order to provide proper health care to the citizens of northern Ontario. As an example, last year the Ministry of Health and the Ministry of Northern Development and Mines sponsored a recruitment tour of health care professionals for the province's more than 220 communities designated as underserved. In the past three years, the underserved area program and the northern medical specialist incentive program have combined to recruit 72 family physicians and 85 specialists.

By 1990, our government will spend an additional \$1 million annually on grants and bursaries to attract about 150 rehabilitation specialists to northern Ontario. As well, individual incentive grants will be increased to \$15,000 over three years instead of the present \$10,000 over two years.

For undergraduates who undertake to serve in northern Ontario upon graduation, bursaries will be increased to \$7,500 in each of the last two years from the present \$5,000 per year. In addition, individual bursaries have been increased in physiotherapy, occupational therapy, speech pathology, audiology and chiropody.

There has been a significant improvement in the number of services provided, including a number of new helipads provided and planned for strategic northern Ontario locations.

Last November, the Minister of Health also appointed a Northern Health Manpower Committee to assess the need for doctors and other health professionals and to rank specific requirements on a priority basis. For example, this committee will pinpoint the locations in greatest need. It will also encourage teamwork among professionals, hospitals, district health councils and teaching facilities to address manpower needs and issues.

Finally, I want to mention that in order to provide advice to the minister on the development of health services in the north, two new district health councils for the Muskoka and Parry Sound areas were inaugurated.

This government has in the past three years expressed strong commitment to increasing the accessibility and availability of health services in and for the people of northern Ontario. I am

proud to have played my part in seeing that commitment honoured to the benefit of my fellow northern Ontarians, and indeed, for the benefit of all the people of Ontario.

**Mr. B. Rae:** I am delighted to be able to participate in this debate, as I am in all the debates in the House. I particularly want to say that in my experience I think no issue has taken hold with as much force as this question of the integrity and future of our health care system.

I want to start on a somewhat nonpartisan note by saying I do not think any one of us in this House can pretend that the problems are easy or that the challenges in the health care system are necessarily easy to overcome. There have been many studies done of the health care crisis in Canada, the United States, England and indeed all of our western, industrialized countries. We face, I think it is fair to say, a number of challenges that are intense, difficult, and above all, shared. It is with these I want to deal now.

The first major change or challenge—it is not new but the force of it is perhaps new and it is something of which I can speak with the voice of a bit of experience—is the fact that when we look at our health care system, we have to appreciate that the technologies now available for the treatment of illnesses are far more sophisticated, expensive and complex than anything contemplated 10, 20 or 30 years ago.

I have not spent a lot of time discussing the fact last year that I was in hospital for surgery in an effort to help my younger brother, who has been struggling, and struggling very well and effectively, against lymphoma, but I do want to point out a couple of things I learned as a result of that experience.

The first is that the technology available for a bone marrow transplant is relatively new. I think it is fair to say that 15 or 20 years ago, we would not be having an extended debate on the expense of leukaemia treatment, because there was none. People died very quickly and very cruelly at the hands of a devastating illness, devastating in its severity and devastating in the speed with which it can attack the body.

As a result of advances that have been made in science and technology, we can now, through the help of medical science, begin a battle. Patients are enlisted in that battle and families are joined in that battle. I might add that in a socialized system such as ours, we are all joined in that battle.

When we compare the costs of the kind of treatment I am describing in our system with the costs in the United States or in other systems,

there really is no comparison as far as patients are concerned. In the United States, the cost of a bone marrow transplant is anywhere between \$150,000 and \$250,000. It is hard for any of us to contemplate that kind of cost. It is hard for the vast majority of citizens in this province to even imagine what it would be like to be faced with that kind of bill.

So the first point I want to make to the minister, to society and to my colleagues in the House is, let's not pretend that the answers are simple or that the problems are simple. There are very profound ethical questions in the sense that we now have technologies that allow us and permit us to fight these battles and to try to overcome these diseases.

It has to be done. I think society and people, certainly patients and their families, expect us to do it and expect the system to do it. Yet we must also be aware that in launching these battles and taking on these campaigns, which all of us are involved with in one way or another, it is expensive and there is no getting around that.

#### 1540

The second thing I want to say is that the strength of our health care system is how we respond to these issues. I still believe very strongly in the integrity of the system in the sense that when doctors make their assessment of for whom and when to give surgery, for the most part—there are all kinds of stories of what happens on a waiting list—doctors are making these decisions on the basis of who is the sickest, not who has the most money, or what colour you are, or what your last name is or whether they know who you are, but on the basis of how ill you are.

That is a very profound ethical and moral statement our society has made. It is one of which I am very proud. Obviously, as a New Democrat—all New Democrats, I think, have a sense of parenthood when it comes to this system—I am very proud of the way in which this system is different from others. It is different from the American system. It is different from the market system. It does not treat health care like a commodity.

The second reality is that we are ageing. With ageing comes costs. We are all ageing. The minister looks at me and she says I am ageing. We are all ageing, some of us more quickly than others. I have just passed my 40th birthday, so I can honestly say I am ageing too, though perhaps not as quickly as some members of the Liberal Party would like.



**Hon. Mrs. Smith:** I would like to keep you young.

**Mr. B. Rae:** She would like to keep me young. I feel young on most days, though on some days I do not feel quite as young as I do on other days.

Seriously, this demographic—

**Miss Nicholas:** I'm not quite so young as I used to be.

**Mr. B. Rae:** I hear the member for Scarborough Centre (Miss Nicholas), who has just had a child, say she is not feeling quite as young as she used to either. She obviously is not sleeping every night. Welcome to the crowd.

Seriously, we are an ageing society. It has been said on many occasions, but the expense of ageing, the costs of ageing and the effects of ageing on our social services and health care system are, quite simply, enormous. These new technologies, combined with this demographic pattern, with this change in pattern in terms of who we are and where we come from, mean the health care system becomes more expensive.

I say to members who think this is a Canadian problem or an Ontario problem that it is not. Every single modern economy is faced with this challenge. None of us is exempt from it. No particular political party can say that if it were in power these problems would disappear. When the New Democrats form the government of this province, the same issues will be in front of us.

We will have new technologies and pressure for new technologies from across the board and these will have an impact on decisions we make in our health care system. We will be dealing with a population that will be getting older and will be requiring more care and attention. Again, as we live longer, the costs of our health care system even then grow and expand.

In agreeing that this government does not have the confidence of this House, I want to say to the minister that there are problems any society has to confront and any one of us has to deal with and recognize, and none of us should think the answers are easy. However, I think it fair to say that what the government has done has made things worse and that what the government has failed to do has made things worse. That is the test we have to apply.

The hard reality is that the minister has talked, since she assumed office, a very good game about wanting to have a well-planned, well-managed system. There is nothing planned or managed about our system at all. It simply exists and goes from crisis to crisis.

**Hon. Mrs. Caplan:** That's why we want it better planned.

**Mr. B. Rae:** The minister says, "That's why we want to make it better." I can tell her we are getting a little tired of hearing her read from her cue cards of the need for a well-planned and well-managed system, when everybody I talk to in the system, whether it is a doctor, a nurse or a patient, feels the system simply is not as well planned and managed as it could be.

The minister may say, "Well, we are doing the best we can." Let me give her two or three examples of where I think the government has failed miserably to deal with the growing problem.

The first is the nursing crisis. Again, the minister can give speeches saying: "The nursing crisis is not unique. It's part of a problem of the realities facing women. It's a sea change in terms of the role of women in our society." All these factors are very true, but I want to say to the minister that I have not seen a government show less leadership on an issue than this government of the Liberal Party when it comes to the nursing crisis in Ontario.

When a Minister of Health cannot speak before a rally of hundreds of nurses, out because they are so mad at the minister and so mad at the government for failing to address their needs, that says something about the failure of government in, strictly speaking, human terms to translate what is a real problem into action from the government. The minister cannot point to one major change that has been made in terms of the pay, the treatment or the recognition of nurses as a result of her having assumed the ministry and of the Liberal Party having assumed the government of this province; not one thing.

We hear it said, purely and simply: "Well, this is a collective bargaining process. We're going to let it operate." I say to the minister that she does not need to lecture the New Democratic Party on the importance of the collective bargaining issue, but I also say to the minister that when you have a labour market problem, as we have, an enormous labour problem, when you have a labour shortage and when you have people voting with their feet, it is not good enough for a government to sit back and say, "We're going to wait for two years, because there's an agreement in place and there's nothing we can do."

The minister does not have to touch the collective bargaining agreement to deal with a housing supplement for nurses who are working in Toronto, if that is where she says there is a problem. She does not have to touch the

collective bargaining agreement to deal with a transportation subsidy for workers in Toronto, if that is what she is recognizing as a problem. These are all things that can be addressed quite independently, quickly and effectively.

They can also be addressed quickly and effectively by a government that is at least prepared to admit what is obviously and objectively true, that there is a nursing crisis in the province and that it is the problem of nursing that lies at the heart of the crisis in institutional care. We all know, because of the role institutions play in our system, that when you back up in the institutions, the whole system begins to come apart. That is the stress we are seeing in the system today.

I have heard, as I am sure every member has heard, from literally dozens, indeed hundreds of constituents, friends and all kinds of people who will say, and say in the most powerful of terms: "I never realized the problem was so bad until I got sick"—or my mother got sick, or my father got sick or my brother got sick—"I never realized what the problem was until I was faced with it myself."

**Mr. Dietsch:** That's not true.

**Mr. B. Rae:** The member says, "That's not true." I can tell the member, sure, there are success stories, and sure, there are wonderful stories in terms of what goes on in our health care system, but I can say to Liberal members opposite that they know full well that when patients are stretched out into the corridor waiting four days for a hospital bed, as they are today in several of our hospitals just down the street from here, we have a problem on our hands.

This is a problem that is different from something we encountered five or 10 years ago. We cannot simply rely on the fact that the trends and statistics are there and nothing has really changed. There is a problem.

I say to the government that my major criticism of this government is that in response to this problem, there has been no basic change. There has been no institutional change. There has been no change in the direction of the system. There has been no change in the way in which the system is funded. There has been no change in the direction and the force and the thrust of the system. There has been none of the leadership that would make a difference to the people in this province, who expect the very best.

**Hon. Mr. Wrye:** No money in community health centres? That's pure mythology.

**Mr. B. Rae:** The Minister of Consumer and Commercial Relations has just aroused himself to participate in the debate by heckling from his seat, which is an ancient parliamentary tradition and one I certainly have endorsed over the years by practice. The minister says, "That's pure mythology."

1550

**Mr. Faubert:** You're smiling when you say that.

**Mr. B. Rae:** I am smiling because I am always a happy soul; that is the reason I am smiling.

I say to the minister that all he has to do is ask his constituents what their experiences are and I think he will come to the conclusion that there is a problem and that it needs to be addressed, and frankly, it is not being addressed.

I want to conclude, because I want to give other members a chance to participate in the debate. I just want to conclude by saying this. Of course, the challenge is enormous, but I can think of no value more important for our community than the integrity of its health care system. All of us have to live with the reality that the integrity of that health care system is being challenged every day. It is being challenged in the north. It is being challenged in the south. It is being challenged in our remote communities. It is being challenged in our urban centres. It is being challenged in our small hospitals. It is being challenged in our teaching hospitals. It is being challenged in home care. It is being challenged in institutions.

This is the crisis. This is the reality that we face. I do not think the government has merited the confidence of this House, certainly not of this party, in terms of its dealing with this crisis.

**Mr. Jackson:** I am pleased to participate in a debate with respect to the problems of health care in this province, which have become epidemic. I am disappointed, though, that after four years of this government's handling of the issue, a debate of this nature is even necessary. As the Leader of the Opposition has indicated, those of us in the House who listen to our constituents have a well-documented list of concerns. However, it has fallen on only two political parties in this province to bring those issues to the floor of this Legislature and to deal with them in the openness of this forum.

Like all members, I have received unprecedented numbers of calls in all manner of concern with respect to access to health care services. It was about a year ago that I first realized the concerns with respect to one group of patients in this province and their needs. In particular, I am



talking about renal stone disease, those persons who have kidney stones.

I did my research before I raised the matter before the House or the media, and I uncovered some very shocking facts. Ontario, quite frankly, has the lowest per capita access to lithotripter services of all Canadians. This is a relatively new development, but it appears that provinces with less economic wealth, regions of this country with greater degrees of unemployment and other matters, have seen fit to maintain health care, health services and health care accessibility. They have seen fit to maintain it as their number one priority. That is why citizens in Atlantic Canada have a greater per capita access to lithotripter services than we do here in Ontario. That is why it is no surprise that many are going to the United States. The reason I was concerned is that we presented documented evidence clearly to the minister that we can in fact treat three Ontario residents for the price of sending an Ontario resident to Buffalo or any other American city where we are sending these residents.

My colleague the member for Parry Sound (Mr. Eves) has already raised the issue again today in the House with a question as well as in his opening statements on behalf of our caucus. I will not dwell on that issue other than to suggest that the evidence is compelling. We need not get into an argument and a debate and a delay. The evidence is clear that this service should be provided and that increased accessibility should be forthcoming. Our party has been calling for it for over a year.

I want to talk specifically about the Joseph Brant Memorial Hospital and the political buffeting that has been going on by this government in terms of the allocation of badly needed beds for that hospital. The minister is aware that the last expansion for that hospital was in 1971. Burlington, as a community, has grown by 50 per cent. It has now gone from 87,000 to 122,000. Also, the population of our aged, people over the age of 70, has increased from four per cent to 10 per cent of our total population. This has put increasing pressure on our hospitals and on our one hospital in Burlington.

Currently, 98 of our 232 medical-surgical beds are filled with what have been called, in many cases, bed blockers, people who have inappropriately been institutionalized for chronic care. Of course, what has happened is that we now have 52 per cent fewer medical-surgical beds available to serve a population which is 50 per cent greater.

It seems that the minister has no difficulty stating clearly and unequivocally where she stands on health care matters around election time. These are the headlines that played in Burlington at election time: "Area Gets 192 Chronic Care Hospital Beds" and "Chronic Care Wing Approved." Those are the kinds of clear policies and commitments that this government can make prior to an election.

As soon as the election is over, the needs have not changed, but these are the headlines that occur in the city of Burlington: "Some Elective Surgery Curtailed by Bed Shortage at Joseph Brant," "Patients Diverted from Joseph Brant," "Brant Emergency Busiest in the Area," "No Money in '88 Health Budget for Beds to Joe Brant." They go on and on.

Sitting on the minister's desk is a request from our hospital to work co-operatively with her in order that she allow it to spend the money it has already raised in our community to allow it to advance the construction schedule which her ministry announced at election time. Let us proceed with the badly needed improvements to our operating facilities. Let us proceed with the badly needed improvements to our emergency wing. She is denying us the opportunity to proceed with our own money. We will provide the bridge financing.

Second, please allow us the 25 additional beds for the west wing, fifth floor. That space is vacant. It is sitting there waiting for the minister to come in and allow us the approvals. If she will not give us the 190 beds she promised, at least allow us to proceed with the 25 beds that will not cost the kinds of millions of dollars she promised.

In conclusion, I wish I could have more time to speak on this issue. I wish this government would stop moving from crisis to crisis and stop arguing with people who raise legitimate concerns in this forum and others.

I would ask this government to allow the Treasurer (Mr. R. F. Nixon) to stop being an absentee referee between the duplicated services of the Ministry of Health and the Ministry of Community and Social Services. There are many programs where there are those duplications. There is, I believe, a financial death dance going on in the cabinet. The sooner the government can resolve who is going to be responsible for what services, the sooner we can eliminate some of the duplication. I would ask this government to seriously consider the fact that those ministries have to stop working against each other and start working together and decide which ministry will

have ultimate primacy for several important health care services in this province.

**Ms. Collins:** It is a privilege to have the opportunity to participate in this debate and to have the opportunity to point out some of the very positive things that the Ministry of Health has been doing, especially in my area of the province.

There is no question that our health care system is facing a number of important challenges. There is also no question that this government is equipped to meet those challenges. The Health portfolio has never been an easy job, but those of us privileged to sit in this House have full confidence in this minister and full confidence in this government's ability to meet any challenge that may come our way.

What we really need is consultation, not confrontation. All of us, including all members of this House, have to work together if we are to meet the very formidable challenges now facing health care, not only here in Ontario, but in every province across the country. The well is not bottomless and there are only so many of the taxpayers' dollars that we can afford to distribute. As legislators we must ensure that we are utilizing that resource in the best possible way, and I applaud the Minister of Health for her vigour in that regard.

In Hamilton, we have just seen an \$80-million redevelopment of Hamilton Civic Hospitals. The Hamilton General Hospital expansion will include more and better heart diagnostic facilities, a doubling of extensive care beds from 15 to 30 and an increase in stepdown beds. As a result of this redevelopment, the hospital will be able to increase the number of cardiac surgery patients, now 500 patients per year, to about 800. That amounts to an increase in cardiac surgery of close to 60 per cent.

**1600**

We are also proud in our region of the progress made towards the east-end ambulatory care centre which will be administered by St. Joseph's Hospital in Hamilton. I am delighted to be able to say that tenders have been let and this vital community project is proceeding, thanks to the Ministry of Health, the regional government and the community.

The facility being planned will include a number of services and programs which will enhance the health care system in the Hamilton area significantly. They include outpatient services and emergency services, laboratory services, imaging department, geriatric day hospi-

tal, physical rehabilitation service and diabetic education program.

This is a dynamic example of what can be accomplished when various levels of government work together with health professionals and other members of the community in order to achieve a common goal.

I should also note that with the 16 health service organizations and one community health centre, the Hamilton area has one of the highest concentrations of community-based alternatives in the province, and we are proud that the North Hamilton Community Health Centre is our province's first teaching community health centre. There are more to come, as the Minister of Health assures me.

The government is committed to continue on a path of community-based services through the promotion of health centres, health service organizations and innovative models for delivery, such as comprehensive health organizations and the hospital in the home.

Under this government, the health care system has been broadened further. In my own area I can point, for example, to the health-related multicultural programs in Hamilton. There is the community health care program for Spanish-speaking people and the health education project for new immigrants who need training in English as a second language.

I am also proud of the fact that McMaster University continues to be a leader as we maintain Ontario's position for excellence in medical and health care research. Many of the honourable members will be aware that McMaster is one of the major health centres in the country. It is in the forefront of clinical and basic research and it is also the home of Canada's first Centre for Health Economics and Policy Analysis. The centre is, at present, organizing a major national conference on quality assurance, which will be held at the invitation of the Premier this fall in Toronto.

We recognize the need for having good information data on how the system is working. We need to know what programs and services are effective and where effectiveness can be improved. That is why this government funded the Centre for Health Economics and Policy Analysis in 1987.

Concerning the issues now being raised by nurses, I think we all recognize that there are no easy answers or quick-fix solutions. It is also important to remember that the issue is not simply one of funding. It is important for us to remember that the nursing vacancy question is



not uniform across the province. As an average, vacancy rates vary from one to three per cent across Ontario.

A specific problem appears to be in the downtown Toronto area where the vacancy rate is as high as seven per cent. In Hamilton, as an example, there is not the same vacancy problem. In some areas of the United States, nursing vacancies as high as 17 per cent to 20 per cent are common in many hospitals.

We must not lose sight of the fact that our health care system ranks at the top with the world's finest. We have proved right here in Ontario that publicly financed and publicly administered health care is both successful and equitable. Surely we should keep that in mind when we consider the issues now facing us.

Ontario health care is now entering an exciting period of transition. We know the principles upon which our medicare system was built remain valid today and this government is committed to protect and enhance these principles.

The challenge facing all of us, no matter what our political affiliation or province of residence, is to maintain the principles of Canadian health care and to continue providing the level of care for which this country and our own province are internationally recognized.

**Miss Martel:** I am pleased to participate in this vote of nonconfidence this afternoon in this House concerning health care. I think it is particularly appropriate that I participate, given that the New Democratic Party caucus, and particularly the northern members, have just finished a third tour of northern Ontario concerning some of the problems we are facing there in trying to deliver health care services adequately to the residents of northern Ontario.

I must say that anyone who does not think there is a crisis in health care in this province should take himself up to northern Ontario and have his eyes opened. Even the northern member who spoke today on behalf of the governing party should take himself out of Sudbury, take a look around the province and find out exactly what is happening in the north.

Believe me, the system is in a crisis and those of us who are in northern Ontario are in no way, shape or form given the same health care services that those in southern Ontario take for granted. It is not happening. After three health care tours, 65 communities and 200 briefs, I can tell the Minister of Health and the Liberal members in this House that there is a serious problem, there is a serious crisis, and this government has not

moved one step to try to resolve some of those problems in northern Ontario.

I want to go back and take a look at a little bit of the history of why we even started the health care tour.

Just after we were elected, particularly the two northern New Democrats, we noticed that we were receiving a large number of complaints about health care in northern Ontario: how it was being delivered, long waiting lists, inadequate numbers of specialists to deal with the problems, and the need for people to travel to southern Ontario or to regional centres in the north to obtain any type of specialized care, because this care was not available in their own community or anywhere near their own community.

As a consequence of that, last April we decided, as a northern caucus, that we would take it out on the road and hear from those who were most directly affected, that is, consumers and those trying to provide health care services across northern Ontario. We started our tour last May in northwestern Ontario, and travelled across to Thunder Bay, Atikokan, Fort Frances, Emo and back to Dryden. We noted a number of concerns on that tour. In September, we took the tour out again, this time along the Highway 11 corridor, from North Bay to Kapuskasing. Finally, last week, we started a marathon in the riding of Lake Nipigon, moved into Sault Ste. Marie and then on into Sudbury to end up.

As I said to the minister, we heard from over 200 presenters during the course of those hearings and visited some 65 communities.

Let me go through some of the concerns we heard again and again across northern Ontario.

First, the travel grant. Let's be very clear about where the travel grant comes from. In 1984, the northern New Democrats had another health care tour, this time led by Jim Foulds. They went across northern Ontario and talked to people who always had to travel south to get professional or specialist services and who had to pay all this out of their own pockets.

As a result of the horror stories they heard, as a result of the large amounts of money northerners were expected to put out of their pockets, again to try to get adequate services, Jim Foulds moved a resolution in this House calling on the government to establish a medical travel grant for northerners who could not receive specialized services in the north or in their own communities. It was only during the period of the accord, when we were in a minority position in this House, that indeed was passed and became a reality; for no other reason than that.

Let me say that in spite of that, there are a large number of difficulties with the travel grant that continue even now. My colleague the member for Riverdale (Mr. Reville) mentioned them earlier during question period and I want to reiterate them.

First of all, the criteria are far too restrictive. The grant does not meet the needs of many hundreds of northerners who have to travel outside their communities to receive adequate health care elsewhere.

The mileage is too high to qualify. The government finally moved to move it from 300 kilometres to 250 kilometres. What the government has not recognized yet is that in most communities across northern Ontario, if you have anything worse than a cold you have to travel out of that community and go to other regional centres in order to get health care. Most of those times, you are always on the road.

We were in Atikokan, for example. We had 50 senior citizens before us that night. I asked the question, "How many of you travel at least once a week to Thunder Bay in order to receive health care?" Every hand in the place went up. There was one woman in that room whose father had to have kidney dialysis three times a week in Thunder Bay. It is only 190 kilometres away. She cannot get a travel grant. They had been travelling for only two months and had already spent over \$2,000 in order for her father to receive the kind of care he required.

The minister has to look at reducing the kilometres so that more people can qualify, because more people have to qualify if they are going to be provided with adequate services.

#### 1610

Second, we have a problem that there is no companion grant allowed under the travel grant. My colleague raised the question of a blind man. We met a blind man in Red Lake who said to us he had to go to Manitoba in order to receive care. He could not get anyone to go with him because he could not afford to pay for a companion to meet him there. The Canadian National Institute for the Blind tried to arrange for someone to meet him in Winnipeg. They could not find the gentleman when he got off the plane, so he was wandering about in the Winnipeg airport looking for someone to take him to the treatment facility so he could have his eyes tested.

We heard stories upon stories. In Sault Ste. Marie, for example, a woman who had suffered from polio had to go to Toronto in order to be treated and then for further checkups once a year. Her daughter could not be paid in order to go with

her. The woman could barely walk and she was some 60 years of age. She was in no condition to travel by herself. That fact, the need for companions, has not been recognized.

Third, there is no accommodation covered for those people who have to travel out of northern Ontario to the south in order to receive medical care. The costs of accommodation in this city, as we all know, are exorbitant. The minister has to look at changes that have to be made to lessen the burden on northerners who have no choice but to go out of the north to get service somewhere else.

I say there are a large number of problems with the travel grant. Those need to be addressed.

Second is the question of community-based care. As we moved across northern Ontario, we found that there were large numbers of health care professionals who were trying to deliver services in their own communities to avoid sending both seniors and people with mental health problems out of the community to large institutions where care would be very costly and probably not as efficient as that which could be delivered in the community.

We found again and again that despite this government's rhetoric on trying to provide community-based care and all the money that is going into community-based care, it was not happening across northern Ontario.

In terms of seniors, for example, we found as we travelled across the northwest that seniors had to leave communities like Atikokan and Rainy River and go to Winnipeg, on the one hand, or Thunder Bay, on the other, to receive some type of care. There was no care being provided through home care on the ground that would have allowed senior citizens to remain in their homes in dignity at much less cost to the entire health care system.

The same thing happened in terms of mental health care. Again and again we met with representatives who were trying to deliver counselling in terms of family violence, wife abuse, drug and alcohol abuse, you name it. They could not get enough funds to hire even one more person for 36 hours a week in order to avoid sending all their problem cases off to the Lakehead Psychiatric Hospital to receive some type of care.

Those people are doing a tremendous job, but they cannot do it for ever on an inadequate budget. They cannot continue to bang their heads against a wall trying to get funding from this government, when in fact the care they are providing is far more efficient, is community based and should be covered if the government is



at all committed to community-based care, as it so wants to declare it is in this House.

Let me say to the minister that if she is serious about the government's supposed commitment to community-based care, she has to get serious then about providing the resources on a community-based level so that those people who are doing such a hell of a job out there can continue to provide those services.

We found as we went on this tour in particular that in many cases services for mental health patients were not offered after four o'clock and not offered on weekends. If you had a trauma case, you called the Ontario Provincial Police, and the OPP came and picked up the person and carted him or her off to a big institution for care. That is what happening across the north. It is completely inadequate and it should not be tolerated any longer.

One of the recurring themes that we heard over and over again, which was probably the most prevalent, was that of the shortage of specialists in northern Ontario, not just doctors. We are talking about nurses, speech pathologists, audiologists, psychologists, nurses in Hornepayne, for example, where we had a vacancy rate of at least 25 per cent in that hospital.

It is not just a Metropolitan Toronto problem when we talk about the nursing shortage. It is happening everywhere across the north. We have it in one of the hospitals in Sudbury, with seven full-time positions still open. It is not something that is just happening down on University Avenue, but the concerns that nurses are expressing here are being expressed across the province. The vacancy rates are the same and, as a consequence, the waiting lists for needed surgery are the same in the north as they are here. They are not getting any better.

In terms of psychiatrists, in Thunder Bay we heard of one psychiatrist servicing the whole of Thunder Bay and district, over 200,000 people being served by one psychiatrist. There is something wrong in a system that allows that to happen.

In terms of physiotherapists, again and again in small communities we have heard of injured workers who had been hurt in the bush, hurt in the mining industry, who could not get physiotherapy for three, four, five months in order to get them back to work. They did not want to go back to work because they had been sick for so long and had not received any treatment for so long that they had developed the kind of mentality, "There's nothing that can cure me and

maybe I'm going to be disabled for ever." That happened across northern Ontario.

The government's answer, of course, has been the underserved area program. If there is ever a source of frustration and anger for the people of northern Ontario, it is the underserved area program. It is a Band-Aid solution. It is not responding to the chronic shortage of specialists in northern Ontario.

We heard in Emo, for example, that not only did the government offer a \$10,000 grant for someone to relocate there but town council itself offered a house and a car over and above that. Tell me why a community in northern Ontario has to offer a house and a car to get the specialists it requires in its community.

We went to Rainy River, where town council members had gone the underserved area route for over a year, coming down here, touring all the universities, trying to attract specialists to their community. For a year they travelled on that and they could not find anyone. Then they located a specialist in the United States just across the border who wanted to come to the community to provide service. They spent six months going through the hoops at the Ontario Medical Association and could not get the OMA to back down and allow that specialist to come and practise medicine in their community. They are still without a doctor in that community.

In the riding of Lake Nipigon, we heard that in the past two years the community of Marathon has seen seven doctors come and go, take their grant money and head back down south to practise in high-tech hospitals along with a lot of support from their colleagues down there.

Under Ministry of Health guidelines there should be at least four permanent doctors in the community of Chapleau. They have two doctors in that community who have been there for an extended length of time, with always a third rotating, never a fourth. They told us in Chapleau that, in the last 35 years, there have been 54 doctors in that community on a rotating basis. How does the minister expect northerners to believe there can be any type of continuity of care when that type of system is going on?

Let me say to the minister that the underserved area program is not working. There has to be a dramatic change in the thinking of this government if it is going to respond to the chronic shortage of specialists in northern Ontario.

We have said on many occasions, and I will say it here again in this House, that in the north we need the establishment of a health care facility not only for physicians but for all types of

specialities, so that we can have the physiotherapists, speech pathologists and audiologists trained in the north who will stay in the north.

The internships could be provided through that so those people who are doing their practice can go to the small and isolated communities and learn what it is like to work in an isolated community that may be very rural in nature, that requires a general practice, not specialized care and not with the backing of high technology such as we have in southern Ontario. We do not need a University of Toronto medical school or a copy of it in the north, but we do need a health care facility if we are ever going to respond to the chronic shortage we see in northern Ontario.

Many people who came before the tour said the same thing. In fact, we were very surprised to find that doctors came before us in Fort Frances and again in Sault Ste. Marie and said: "We have lived in these communities for years. We have tried the underserviced area program route. It's not working. It's not the answer." We have to look forward to the day when we have in the north a medical health facility that responds to those problems.

The minister is shaking her head, but I can tell her that if she goes across the north and really listens to what people are saying, she will find that they are as frustrated as we all are by her program which is not working.

Let me just say on behalf of the committee that we were extremely impressed by the people who came before us, individuals and groups, who spent a heck of a lot of time putting briefs together, who came and not only talked about their problems but also provided alternative solutions to some of the problems they saw.

Time and again as we travelled through the various communities, I could not help but be struck by the job they were doing with the inadequate resources they had, whether it be in mental health care or home care, whether it be nurses trying to do a job completely understaffed on 12-hour shifts or whether it be doctors who needed more support and could not get it.

There were all kinds of people across the north who were committed to northern Ontario and who were doing a hell of a job in spite of her ministry and in spite of all of the problems they have come up against when trying to deal with the Ministry of Health in this province.

**1620**

I want to say in closing to the minister that the sense that we got in travelling across the north is this: We pay taxes in the north as well, and I think it is fair enough to say and for us to ask to have a

fair shake in terms of adequate health care. It is no longer adequate that the government pumps more and more money into the health care grant in order to get people to specialists instead of trying to develop a scheme where specialists come to us and stay in the north and deliver the type of health care that we need.

It is time that this government and this minister recognized that the crisis is very real in the north. Any one of us who took a tour, and certainly my colleague the member for Riverdale, saw that at first hand and it was a very good experience for all of us. But I must say that it is about time that this minister and this government woke up and realized that some alternative solutions must be employed in the north if we are going to receive the health care that northerners deserve.

**Mr. Runciman:** Before I get into my comments, I want to put on the record a concern of my hardworking colleague the member for Hastings-Peterborough (Mr. Pollock), and that is about the Belleville General Hospital, where apparently 25 per cent of the patients should more properly be in chronic care beds in nursing homes. This member, speaking on behalf of all residents of that area, believes a strong commitment should be made towards a 60-bed nursing home for the Tweed area to help relieve that critical situation.

In the brief time allocated to me, my comments are going to be directed towards the mental health situation in respect to the criminally insane being released into our communities through loosened Lieutenant Governor's warrants.

I want to say that the minister's responses to two very serious incidents over the past 10 months, one involving a 14-year-old London girl who was sexually assaulted, thrown off a bridge and left for dead, and just recently a sexual assault on a Brockville woman who was stabbed during that attack—in both incidents, individuals on loosened Lieutenant Governor's warrants were charged with sexual assault, and in one case attempted murder—when I have raised concerns in the House about the monitoring of the activities of these individuals when they are in the communities, the minister's responses have been perplexing, frustrating, and I think above all irresponsible.

We are talking about the risk management system in forensic psychiatric facilities in this province. We have really had no answers from the minister: no answers to address the concerns of the parents in London who, because of their frustration in their inability to get answers from



this government or from this minister, had to hire a private investigator and now have decided to sue the ministry in respect to that particular incident, and I wish them well.

In Brockville, again despite some very clear evidence of neglect and a very cavalier attitude on the part of the people responsible for monitoring these individuals when they are in the community, the minister has failed to respond and the community has established a legal aid fund for the family so that they can sue this government, and I have encouraged them because we are getting nothing but an irresponsible approach from this minister.

When I raise it in the House, what does the minister say? We get obfuscation and obstruction. She says there are criminal charges laid and we do not want to be seen to be interfering in that process. We have never suggested that there be any interference in the criminal process. We have said: "Let's look at the risk management system itself. Why did it break down?"

In the Brockville situation, the minister has clear evidence before her that it did indeed break down, but she still comes up with the same answer day after day. When she does not say criminal charges she says it is a jurisdictional problem, that it is really a federal matter. But her own study on the London-St. Thomas situation says quite clearly, if she would only read the reports before her:

"Privileges granted to a warrant of the Lieutenant Governor by the Lieutenant Governor's Board of Review are implemented at the discretion of the hospital staff"—the hospital staff who are provincial civil servants—"Once granted, privileges may be withdrawn either by the board of review or by the hospital staff."

Again, it is a red herring when the minister gets up here and says it is a matter of jurisdiction, it is a federal responsibility or it is a criminal case before the courts. It is all a lot of bunk, obfuscation, obstruction and a real effort not to address the very serious public safety concerns in communities that have forensic psychiatric facilities. She has simply ignored those concerns and has acted, in my view, in a very irresponsible fashion.

I want to talk about the report that the minister had commissioned from Encon Insurance Managers Inc. following the attack on the London teenager. On page 8 of that report, it states quite clearly that "each warrant directs the administrator to keep the patient in a safe manner and 'to propound and implement a treatment programme'. The warrant sets maximum levels of

privileges until the next board review." And so on. I probably have the wrong page. In any respect, it says that the staff and the administrator of the hospital are responsible "to keep the patient in a safe manner...."

Obviously, that did not occur in the Brockville situation, where there was a complete breakdown. We have been unable, despite our best efforts, to secure any answers in respect of whether indeed the system broke down in the St. Thomas-London incident.

In the Encon report, two recommendations, which when the minister tabled this in November she said would be implemented immediately, have relevance with respect to the Brockville situation. Recommendation 6 says: "That a system-wide procedure be developed for notification of police about patients on Warrants of the Lieutenant Governor."

In the instance of the Brockville situation recently, the administration in the hospital was notified at nine o'clock in the morning by the employer of the individual that he had disappeared. The hospital staff indicate that they conducted some sort of a search. I believe it was a very modest effort indeed. At 3:30, six and a half hours after they were notified of his disappearance, they finally got around to notifying the Brockville police force, an hour and a half after the individual had been arrested.

This is a recommendation that the minister said was going to be implemented immediately in November, developing a procedure for notification of police. Simply, that has not been followed through. The minister stood up and said something was going to happen. It did not.

Recommendation 8 says: "That system-wide policies and procedures be developed to deal with patients in whose cases it is vital to control their access to and use of alcohol...."

Again, the staff in Brockville were notified three days before this incident that there was a suspicion this individual was consuming alcohol. It was known that he was a very dangerous man when consuming alcohol. What did they do? Absolutely nothing. For three days, until they were notified of his disappearance, they did absolutely nothing. And what happened? We had an assault on a Brockville woman that could have very easily resulted in a death.

This minister has the gall to stand in this House again to obfuscate, obstruct and blur the whole issue and not deal with it in a responsible fashion. It is indicative of the crisis in virtually all the health care sectors in this province. The minister has lost the confidence of health care profession-

als. She is undoubtedly a sincere and committed person, but obviously out of her depth.

**M. Morin:** C'est un honneur que de pouvoir participer à ce débat. C'est avec sincérité, et avec un intérêt personnel, que j'aimerais vous communiquer mes opinions sur un sujet que je tiens réellement à coeur.

Let me begin by saying that I am proud of the steps that this government is taking to ensure the quality and viability of our health care system in Ontario. I want to take a moment to tell this House of the continued excellence in the quality of health care at the Hôpital Montfort in my riding.

The Montfort's success is based on its awareness of the changing needs of the community it serves. The hospital engages in an ongoing evaluation process. This provides the direction that is needed to anticipate and manage change. Within the process, plans are made on how to best allocate resources and develop a framework for future decision-making. The board of trustees can then define the hospitals' objectives and needs for the next five to 10 years. This allows the Montfort to broaden its field of activity while providing the best services with the resources available.

### 1630

The hospital has engaged in a very successful fund-raising campaign. Its success is an indication of the willingness of the community, its organizations and businesses to come together and ensure the completion of the expansion and redevelopment projects such as the expansion of the acute care beds, the retrofitting of the fire prevention system and the construction of the new south wing.

In an era where many hospitals foresee deficits, it was with great pride that the Montfort hospital submitted a balanced budget for 1988-89 to the Minister of Health. Montfort is engaged in developing a wide area of decentralized services in accordance with the Ministry of Health's new community-based guidelines.

An outreach physiotherapy clinic has been opened in Clarence Creek. A mental health clinic will soon be opening in Rockland. Other outpatient clinics are planned for Embrun, Casselman, Orleans and Prescott-Russell. These activities are all in keeping with Montfort's philosophy of listening to its community in order to better meet the changing health care needs of the people it serves.

This is what is happening in Carleton East. It is a very good example of what a community

hospital can do with co-operation, long-range planning and fiscal responsibility.

However, going beyond what is going on in my own riding, I certainly agree with those who say that there are greater pressures on our health care system than anyone could have predicted a few years ago. Health care is being pushed to greater and greater limits by advances in technology. Those advances have given new life and new hope to many people, but they have also led some to believe that we have instant answers to all our problems.

Unfortunately, that is not the way life works. We have to remind the thoughtful people around us that in most cases there are no instant answers. Thoughtful people know, and the Health minister is a thoughtful person, that spending more and more of the taxpayers' money does not always improve a system.

We face greater challenges than that. There are some profound decisions to be made. The challenges dictate, for instance, that we look at what procedures are being performed and who they benefit. Of course, we know that every single citizen in this province has the right to the best medical care we can provide. We also have to look at the cost of that care to ensure that the money is being spent wisely.

What is happening in eastern Ontario is among the positive steps this government has taken as it faces the challenges presented by the health care system. Just over one year ago, the ministry gave the go-ahead for construction of a new \$17-million heart research centre at the University of Ottawa Heart Institute. The institute, which has an affiliation with both the university and Ottawa Civic Hospital, is a highly specialized centre for cardiac care patients. The government provided \$10 million of the \$17 million in operating funds for six new short-stay beds and expansion of the artificial heart program at the centre.

Also in eastern Ontario, Kingston General Hospital is operating a fine cardiothoracic and vascular surgery program for people of the region. More than 300 operations are performed every year as a result of this program.

Members know that in addition to our heart programs across the province, there are plans to establish a fourth cardiac surgery unit for Toronto at the Sunnybrook Medical Centre.

What we are doing is moving forward. The challenges are formidable, but we will meet them. Is there anyone here who doubts that our doctors and nurses and other health professionals are doing some of the finest medical work in the world? I believe our hospitals are second to none,



but there is always room for improvement. I think that means consultation rather than confrontation.

When we talk of people's health and welfare and couple that with the enormous amount of money we spend on ensuring it, we need a dialogue, not a debate. We must all work to make the system better. We must all work to find the best possible ways to provide the best possible care to our residents. I cannot think of a better example of that than the initiative involving the nurses from Sudbury Memorial Hospital who will spend the next four months at the Toronto General Hospital assisting in the critical and cardiac care units. They will assist in relieving the shortage of nurses here while learning important skills which will be of use to them when they return to their duties in Sudbury.

Still, I am sure we can all agree that there are no easy solutions to the challenges which confront all of us regarding the best way to utilize the health care system. The increasing demand for highly complex procedures in cardiac and other surgery poses many problems which the ministry is now addressing.

We have a situation where, because of the fact that medical science is progressing by leaps and bounds, we have to deal with the increased cost of the new technology. Certainly, we have to set our priorities and decide the direction in which to go. There is no question that we are being challenged by formidable forces which require new answers. How do you provide the health services necessary with the resources available to us? How do you best provide the care and support our growing elderly population requires? What is the best way to manage emerging technology effectively? The decisions we make now will affect our lives, the lives of our children and their children and all of us privileged to live here.

I understand that it is a formidable challenge, not only for the medical profession but for us. Over the past two decades, we have witnessed an incredible expansion in the range and diversity of health services, and yet, as I have said and I will now repeat, our health system is second to none in the world. We have a Health minister leading a Health ministry that recognizes that challenge. Let's get on with the job.

**Mr. Neumann:** It is a pleasure for me to participate in this debate on an important issue: health care in the province of Ontario. I would like to begin by expressing my confidence in Ontario's first-class health care system. I think anyone who has travelled outside of Canada will agree with me that Canadians and those of us

privileged to live in Ontario can be proud of our universal, publicly administered system.

**1640**

Today, I will review some of our many initiatives over the past two years and, in particular, the consultation we have taken in addressing and resolving the important issues facing us. I will brief members regarding consultation the minister has taken with regard to hospital funding, prescription drugs, community mental health, physicians' services, nursing manpower and health professions. As the previous speaker has mentioned, consultation rather than confrontation is our theme here.

In the area of hospital funding, the ministry initiated the Conjoint Review Committee on hospital funding with the full co-operation of the Ontario Hospital Association, the Ontario Medical Association, the Ontario Nurses' Association and the Ontario Council of Administrators of Teaching Hospitals. The ministry is now working to develop a fairer funding system for hospitals based on the committee's recommendation.

The committee has also appointed a commission of inquiry headed by Dr. Frederick Lowy, former dean of medicine at the University of Toronto, to look into all aspects of the government's role in the prescription drug marketplace. The Lowy inquiry has held public hearings across the province with input from a number of interested parties. The minister acted immediately, as she had promised, to implement Dr. Lowy's interim recommendations; namely, to provide drugs to cystic fibrosis and thalassemia patients and to restructure the special authorization program for drugs so that its original intent is restored.

In the area of mental health, the minister had received the report of the Provincial Community Mental Health Committee, chaired by Dr. Robert Graham. Again, the committee depended on the input of a wide range of associations and groups. The report lays out a strategy for developing a community mental health network addressing a broad range of mental health needs. The minister has directed the Ministry of Health to prepare a plan, with consultation within and outside the government, that will lead to new community mental health legislation.

I also mentioned the Scott task force, a joint committee made up of the Ontario Medical Association and the ministry. Its mandate is to make recommendations concerning the use of and demands for physician services. Similarly, the Advisory Committee on Nursing Manpower

is making recommendations to the minister dealing with the issues facing nurses, particularly nurses working in hospital settings.

All of these initiatives have been undertaken to provide the ministry with solid data and information on the provision of health services in our province, so that, where necessary, corrective actions can be taken and, where appropriate, services might be expanded and enhanced to meet the needs of the people of Ontario in this important field.

I have mentioned only a few of the many initiatives that this government has undertaken with the co-operation and participation of those working in the health care field. Of course, members are also aware that the minister recently tabled the report of the health professions legislation review, which includes proposed draft legislation.

The minister has committed to meet with all professions directly, those affected by the review's recommendations, before proceeding with the introduction of government legislation. The primary consideration will be and must be the protection of the public interest in the provision and the receiving of health care services.

We can be proud of this record of consultation. I have heard the minister state on a number of occasions how important consultation is, how important it is to involve health care workers and others in decisions affecting the future of health care. This government stands by its record in supporting the health care system of our province. In fact, we are privileged to live in an environment where our health care system at all levels ranks with the best in the world.

The growing memberships in our community health centres and health service organizations show that the Ontario people are willing to accept variety in their health care system. Look at the health service organizations. Over 40 of these now enrol more than 275,000 people. They provide a high rate of consumer loyalty and satisfaction, they provide benefits outside of our universal system and, significantly, they are responsible for reductions in acute hospital admissions and lengths of hospital stay.

In Sault Ste. Marie, for instance, the hospitalization rates for health service organization members are nearly one quarter below the rates of others.

The government is also planning to use the health maintenance organization concept, which is another initiative we are adapting to our system, to provide further improvement to the

quality of health care in our province. The ultimate goal, of course, is to improve patient care and the quality of life.

With all of the challenges now facing us, it is easy to lose sight of the fact that health care in this province is a partnership involving the government, hospitals, community social agencies, health care professionals and volunteers. While we often hold diverging opinions, there is one priority which everyone will agree upon: the desire for quality of care and excellence.

Our citizens value their good health. It is an integral part of our quality of life and standard of living, and in this government's planning for the future quality of health is a central issue.

Before I conclude, I would like to mention some of the initiatives taken in our area. The minister, in keeping with this consultation process, visited our area and met with health care providers, administrators and doctors under the auspices of the Brant District Health Council.

Various grants have been made to the Brantford General Hospital for improvement to the electrical system, to renovate the nursery area and to upgrade the fire safety system. Recently, St. Joseph's Hospital received a grant of \$153,000 to upgrade its operating suite. The Brant County Health Unit received over \$100,000 in funds to set up the Brant County Youth Addiction Service, and the Brant County Roman Catholic Separate School Board has made good use of provincial dollars to establish a health and fitness program.

The Brantford General Hospital is one hospital which faced a deficit among the number in the province and the minister recently commended the hospital for the way it has responded to the challenge of eliminating that deficit.

In conclusion, I want to say that I believe our Minister of Health is a very sensitive person, a person attuned to the needs of this province. There are incidents which occur which are tough for any individual to handle, and we have seen our minister rise to the challenge and show sensitivity by meeting directly with the nurses or whoever is involved.

I, as the member for Brantford, have worked very closely with her on issues relating to our area. I say with pride that I stand behind this government's record and behind this minister on her record.

**Hon. Mrs. Caplan:** I would like to begin my remarks by making a few general comments and to thank those members in the House today who spoke so eloquently and supported confidence in our health care system. On a personal basis, I



would like to acknowledge them and thank them.

In the past two days, I have had the privilege of attending a meeting of provincial and territorial health and finance ministers in Moncton, New Brunswick. The focus of that meeting was the provision of health services in our respective provinces and territories, the financing available to us, the role and involvement of the federal government and the responsibilities of the provinces and the directions we can pursue together for a safe and confident health care future.

To any observer at that meeting, it would be quickly apparent that while the provinces and territories brought their own perspectives and circumstances to that meeting, they were all grappling with a common agenda: How to provide the most effective range of health services to our people; how to provide health services in a context that reflects fiscal responsibility and sound financial management; and how to provide health services in a way that responds to changing social, demographic and technological factors that are having such a profound impact on health care today.

If I may, I would like to read into the record the final communiqué agreed to by all health and finance ministers in Moncton. The title of the document is significant. It is *The Need for a Common Approach*.

"The ministers of health and ministers of finance of the provinces and territories, requested by their premiers, have met to discuss the funding of health care services in Canada. The special nature of this event shows how important this issue is in all parts of Canada.

"Provincial health care plans cover every Canadian citizen providing access to quality health care regardless of individual financial circumstances. Canadians value these plans and are aware of the physical and financial security they provide. Canadians rightly consider them an essential component of the tradition of sharing, which is characteristic of our country.

#### 1650

"Ministers focused their attention on the problems facing the health care system and the need to take a concerted, collective approach to addressing solutions. Specifically, the ministers addressed the following: (1) the need for public awareness of the issues being faced by governments and of the individual and collective approaches they may take to bring balance to financing health care; (2) the need for provinces to find ways and means to manage and contain the rapid escalation in health costs, and (3) the

need for the federal government to prevent further erosion of its support for the system.

"Ministers are concerned with the fact that the health care system, considered to be one of the best in the world, is being affected, and the quality in the future threatened, by current pressures on that system.

"The health care sector is an area of provincial jurisdiction, and the provinces are seeking innovative approaches to develop affordable solutions to accessible and appropriate quality care. In fact, provinces have taken steps to manage the system better, some through improved control of medical manpower, others by implementing technological assessment tools and by holding consultations on the needs of the population. In addition, there is a willingness among provinces to co-operate and to implement complementary strategies without compromising individual needs, flexibilities and priorities.

"Provinces and territories have long recognized the importance of a partnership among themselves in order to address the problems in delivering health care that they are facing in their respective provinces. They also underscore the importance of the federal government joining them in addressing funding of the health care system in view of the role of the federal government in funding health care.

"For more than 30 years, the federal government and the provinces have been partners in establishing and maintaining public health care plans throughout the country. Since 1977, the federal government has contributed to provincial health care and post-secondary education expenditures under established programs financing, referred to as EPF. However, for some years now, and especially since 1982, the federal government has been restraining its financial assistance to the provinces and, consequently, its share of provincial health care spending. The various restrictive measures in EPF have enabled the federal government to realize savings of more than \$11 billion from 1982-83 to 1988-89.

"The provincial and territorial health and finance ministers look forward to meeting with their federal counterparts to discuss the continuation of a co-operative approach to funding health care services in Canada. More specifically, the provincial and territorial health and finance ministers ask the federal government at least to index its EPF contribution based on the growth of our collective wealth; that is, GNP.

"For their part, the provinces and territories will continue to work together to find solutions to the challenge of maintaining and improving

Canada's health care system. Health ministers will discuss in priority these issues at their meeting in Quebec in September of 1989."

That is the communiqué.

As I have said on many occasions in this House, health care is not and should not be a partisan issue. The issues facing health care today are issues that cross all political divisions and all provincial boundaries. They are issues no matter what our political affiliation or province, and they affect us all.

In speaking with my colleagues across Canada, there is an acknowledgement that Ontario is a leader in this country in providing quality health services to the people in a province with the challenges of economic diversity, geographic boundaries and a very intense and diverse multicultural population that enriches this province.

As the Canadian health care system evolved and developed in this country, it evolved as a national consensus and it drew upon the talents and abilities of people from all walks of life and every shade of political spectrum.

That being said, we cannot forget the development of our health care system. It stirred strong emotional responses and tremendous public discussion. At the time it was established, there were some people who simply did not agree with the principles of a publicly funded, publicly administered health care system. These voices are still being heard—the voices that clamour for free market medicine, those who believe the answer to the challenges facing us lies in user fees and a privately funded system. I cannot agree.

That is why I state now, as I have in the past, that our system is a model worldwide, one that we must do everything possible to preserve, to protect and to enhance, but we can only do that if we recognize we must make changes now.

I have said before and I will state again in this House that there is unanimity that we must make changes in our system. I have said as well that what is unanimous is that the other guy should change first. I say, therefore, that we must be prepared to work co-operatively to keep our focus and that our focus must be on the health and the wellbeing of the people of this province, and that is my commitment.

Canadian health care was built upon five guiding principles: public administration or management by government; the portability of benefits from province to province; accessibility to services without regard to economic or social circumstances; universal coverage, meaning that

everyone is entitled and eligible for access to health care; and finally, comprehensiveness, a broad range of health care, as broad a range as possible, to meet the needs of the Canadian people. For the people of Ontario, this government has honoured and expanded upon those principles and we have been proud to do so.

There are many examples. As a few examples in just a few short years, this government ended extra-billing. We introduced a northern travel grant program. We introduced comprehensive health services for women. This government also expanded the assistive devices program. We announced a commitment to double community mental health funding. We developed one of the most progressive acquired immune deficiency syndrome education and treatment programs in the world.

I could go on, but that is just part of the record and time does not permit me to list all of the achievements of the past three years of this government. I can say that it shows where we stand on universality, accessibility and comprehensiveness. We are proud to stand on that record.

Since this government has taken office, health care funding in Ontario has increased by \$1 billion each year. There is no other government program, in either absolute or incremental terms, that receives the kind of funding commitment our health care program does. Health care accounts now for fully one third of all the financial resources available to the provincial Treasury.

Even with our current expenditure level approaching \$13 billion, there are those who would argue that \$13 billion is not enough. The fact of the matter is that since 1984-85, the hospitals in this province have seen their budgets increase by some 50 per cent, from \$3.9 billion to \$6 billion. Not one hospital in this province has had its budget reduced; there have only been increases.

I think Dr. Michael Rachlis has a very strong point when he says: "It's very misleading to say that the problems with our health care system are due to lack of money.... In Ontario in the last five years the per capita spending on health care after inflation went up 25 per cent, more than any other province. So one thing's crystal clear; the answer to the problems we face in our health care system is simply not more money; we need to look at the way we organize our system."

Even with the tremendous increases in the amount we are spending on programs such as home care and community mental health, we have not substantially increased the proportion of



the budget going to community initiatives. It still stands at about 14 per cent, while the institutional sector—doctors, hospitals and so forth—are responsible for some 85 per cent of all ministry resources.

As long as we continue to simply put money in the institutional sector without looking at how that money could be better spent on community-based care, we are not going to be able to realize the necessary positive shift from an institutional bias to a more community-based approach, a shift that has been recommended by the Evans panel, the Spasoff report, the Podborski report and by everyone knowledgeable about what our needs will be for the future.

### 1700

We are now spending about 8.6 per cent of our gross domestic product on health services, medical treatment services. That is higher than even the 8.2 per cent recommended by the Canadian Medical Association in the early 1980s.

Further, everyone present in this House knows and believes that quality of life, of which we are so proud in this province, means not just good medical treatment and health care; it means a good educational system, a clean environment, ambitious job-creation programs, the right mix of social services and social support networks, and good roads and municipal services. It means a whole host of services that have a rightful claim to proper government funding.

We all agree that health is more than simply the treatment of illness. That is the context on which we must keep the focus. Health services must and will receive their fair share of revenue, but so must all the other services and programs for which we have a responsibility and an obligation to finance and support if we are to have a truly healthy society. In fact, this was the focus of the health and finance ministers' meetings in Moncton over the past two days. That is the economic imperative that is pressuring for change in and a restructuring of health care, but it is joined by two other pressures for change to which we must respond.

The first is the demographic shift in our population, and as we have heard, yes, our population is ageing. Today, some estimates are that nine out of 10 patient contacts with our health care system are for chronic conditions and disability. As our population ages, as it is now doing, the needs in this area are going to change and change dramatically.

We know today that many chronic patients must turn to high-technology acute care in

hospital for care and treatment because that is the only option. The result: We see some 10 per cent of our population now over the age of 65 using about 40 per cent of our health care resources. We know our population will reach about 20 per cent over the age of 65 early in the next century. Will they require 80 per cent of our health services available at that time? This is an important challenge that must be addressed if we are to work towards a more effective and appropriate health care future.

The second pressure for change is technology. We have witnessed what can only be described as a massive technological explosion in health sciences. Today, medical technology is so advanced that we must be ready to ensure its appropriate clinical use. We must be prepared to deal with the moral and ethical questions technology raises, not only for the health care professionals but also for society as a whole. That means the use of technology must be directed so it meets our goals and objectives, so it promotes quality of life and the health of individuals. In short, we must manage new technologies so the outcome is effective, quality care as close to home as possible.

In response to these economic, demographic and technological imperatives for change, we must now create the positive shifts and realignments within our health care system that will enable us to meet current needs, and equally important to prepare for the future.

Let me briefly explain three changes that are now occurring. I believe what is now needed is greater quality assurance and outcome review in patient care. That means we must know what is effective. We must have more clearly defined and agreed-upon standards for appropriate use of resources. There is evidence from an abundance of research both here in Canada and in the United States that at least some of our precious health care resources are being spent on programs and procedures that are achieving, at best, questionable results. It is my view that a renewed emphasis on quality assurance will be a key factor for a healthier future.

I am certainly not the only one advocating the need for quality assurance. Dr. Henry Gasmann, president of the Ontario Medical Association, recently stated: "The medical profession must try much harder to maximize efficiency, eliminate waste, improve data collection and utilization review, and become more involved in hospital administration."

Dr. Gasmann and I do not agree on everything, but we do agree on the importance of utilization

review and effectiveness. Today, in Ontario, after a regulatory change, utilization review committees are now mandatory in all Ontario hospitals. We have worked co-operatively, jointly with the Ontario Hospital Association and the Ontario Medical Association, on a guide for utilization review and management.

The issue of quality assurance was addressed by the first ministers in Saskatoon. As the members of this House know, a symposium is being organized by the Ministry of Health in co-operation with and with the support of the Centre for Health Economics and Policy Analysis at McMaster University. It will be held this fall. I hope this conference will signal the beginning of the developing of quality assurance consensus throughout this country.

A second positive shift is the new emphasis on the importance of health promotion and disease prevention, because simply treating illness is not enough. We must empower people, by giving them information, so that they will know how to take care of themselves, for today we know that health is not simply the absence of disease but in fact a resource for living.

I would say how proud I am of the initiatives we have undertaken in health promotion grants, in our healthy lifestyles campaign, but all these new shifts now occurring in Ontario health care are a shift in emphasis to allow people to have the information they need to maintain and enhance their own personal health.

I can say that the Premier has announced the doubling of the number of people served by health service organizations and community health centres. Members have heard speakers refer to our expansion of and our commitment to community-based facilities. Quite obviously, we are in a position today to see this major expansion of community-based facilities occur. A cornerstone and a key piece of legislation will be the Independent Health Facilities Act.

Our objective in new community-based services is to free up hospitals to do what they do best, to provide the diagnostic and treatment services that truly require a hospital setting.

I began my remarks by speaking about the principles of the Canadian health care system. I spoke about principles of universality, accessibility and comprehensiveness, and about our government's commitment to these principles. I spoke about the financial imperatives in health care. I spoke about how our understanding of health is changing. I spoke about our need for quality assurance and our need to restructure and realign health services. I spoke about the positive

shift to community-based services and our need to be innovative and test new ideas for delivery.

I spoke about my vision, the vision of this government for Ontario's health care, a vision that I know will lead this province towards a safe, confident and healthier future.

**The Acting Speaker (Mr. M. C. Ray):** The windup for the official opposition, the member for Riverdale.

[Applause]

**Mr. Reville:** Thank you, Mr. Speaker, and thank you, my friends.

I join this nonconfidence motion debate with more than the usual amount of gusto that I bring to these occasions. If you were to ask me, Mr. Speaker, whether I have confidence in this lot, I know you would know what the answer would be. If you were to go on foolheartedly and ask me if I have confidence in this minister to manage the health care system of this province, the answer would not be, "Yes, I do"; the answer would be, "God help us."

I should point out that perhaps the only thing I am aware of that the Ministry of Health does well is write a 20-minute speech. It was about 20 minutes and three seconds, and who would ever quibble about three seconds if he was fair? Who would even mention standing order 19(d)4 which talks about unnecessary reading from unnecessary documents? No one would be so ungentlemanly as to mention such a thing.

The minister is right when she says that in this country we made a social contract one with another that no one would be denied access to necessary health care because he was poor. That is a contract we made, as Canadians, that certainly sets us apart from our brothers and sisters to the south of us and in fact sets us apart from any of the North American hemispheric approach. It is not, of course, an approach that is unfamiliar in Europe. In fact, health care is delivered and is, in many respects, much better in Europe than it is here in Canada.

1710

There is no question that our health care system is one of the best in the world. That is true. You should also remember that there are some pretty crappy health care systems in the world, so being one of the best is not always the only thing you should be striving for.

To say that we are the leader in this country is probably true as well. But what does the minister then say to those people who have not got the service they expected to get from one of the best systems in the world? Does one say: "Never



mind; look at the good job we did in other respects"? Of course not. That would be a foolish thing to say and I cannot understand why the minister says it over and over again.

The government likes to praise itself for the initiatives it has undertaken in the past few years. Some of those initiatives were even its own idea. Of course, most of them were not. There was a short list. The minister would decline to go on because of shortness of time, but she did mention extra-billing. Some of my older and wiser colleagues remember the days in this Legislature when the smaller number of members opposite who were then here used to think that extra-billing was a useful safety valve to have.

My old boyhood friend, the member for Brant-Haldimand-Norfolk-wherever, the member for Earl's, was one of the people who used to like to talk about this important safety valve. Yes, we did get rid of extra-billing in June 1986 and it was a long and tense process. We were not at all convinced on this side of the House that the government really had the courage to do it, but eventually it did do it.

Then, immediately, what happened was that there were some clever souls out there in doctors' offices across the province who figured out another way to do the job and invented the administrative fee. They have been cleverly inventing this administrative fee for some time now, secure in the knowledge that this Minister of Health is going to do absolutely nothing about it. If an elderly person who has been used to going to a particular doctor for a number of years receives a letter saying, "Pay a \$40 administrative fee a year or move along," what is that elderly woman going to do? And what has the minister done about it? Diddley-squat.

The northern health travel grant program: We talked earlier today about the northern travel grant. Guess where that idea came from? And guess what happens when your idea gets implemented by a government like this? Of course, they do not implement it in a way that is useful to people. We described the four kinds of limitations we have to deal with and northerners have to deal with because this government is not prepared to really provide access to our health care system.

The advances in the assistive devices program: If you ever wanted to learn how a bureaucracy run amok can create thickets, mazes, hurdles and barriers to provide a test for our people, then take a look at the assistive devices program. There is not one person alive in this province at this moment who understands what services really

are provided under the assistive devices program. They change from moment to moment.

**Mrs. Grier:** The minister understands.

**Mr. Reville:** The minister understands. The great fondness I have for the member for Etobicoke-Lakeshore (Mrs. Grier) does not extend to accepting this kind of advice. The minister could not possibly get the assistive devices program on one of her cards. It is not possible for a program of that bureaucratic complexity to fit on a computer chip, as clever as those little darlings have to be.

**Community mental health:** The minister wants to describe what great advances have been made in that area. Those great advances are not visible on the ground. The minister did commission a report. Mr. Graham wrote a lovely report. It is mildly incomprehensible, but in fact if you sort of persevere and read it several times, the essence of the report is good stuff. But as far as I am aware, the only recommendation that has been implemented is that there is a lawyer working somewhere, perhaps on the 10th floor—God knows where the lawyer is working—developing a series of options for the government to consider about how community mental health legislation might look.

Mr. Speaker, although you have not been in this place too long, you have been here long enough to know that if you start with a series of options for government, you do not finish for a very, very long time. Your hair and mine will be much greyer before we see any community mental health legislation popping out from this minister.

There was a lot of self-congratulatory praise for the work on acquired immune deficiency syndrome. We know that the health promotion side of the AIDS program is out there, and some commentators would say that it is not bad. But we also know that the government has been very slow to act in terms of the other issues around AIDS. In terms of care and in terms of cure, this ministry is far behind the leaders in the world. For a minister who says that we are one of the best in the world, I think it is shocking that in Ontario we are not anywhere near the state of other jurisdictions that have turned AIDS into a manageable chronic illness.

The reluctance of this government to get real and make clean needles available to intravenous users, I think, is just plainly and simply shocking. They are far behind some other jurisdictions at the municipal level in Canada in that respect. I do not think there is any praise that can be heaped on the government's head when

you think about dealing with AIDS as the problem that it is today.

Some other members of the government mentioned with self-pride the commitment of the government to double—underline “double”—the number of people served by health service organizations and community health centres. Doubling is, of course, pretty impressive kind of stuff. What it means is that what you end up with is twice as big as what you started with. Of course, when you started with something really tiny, you end up with something that is half as tiny. I hope members are following that.

**Mr. Faubert:** No, it's twice as big.

**Mr. Reville:** There is somebody slow over there in the rump who cannot figure that out. I will help him, because I have always been a helpful sort of chap.

**Mr. Faubert:** How can it be half as tiny if it's twice as big? He's a philosopher, not a mathematician.

**Mr. Reville:** There is a branch of math that is also philosophy. That is pure math, but I would not expect the member to understand that.

**Mr. Villeneuve:** Well, listen to who's talking.

**Mr. Reville:** I learned that from the member for Sault Ste. Marie (Mr. Morin-Strom).

You start with two per cent of the people in Ontario served by HSOs and CHCs, and you have two per cent of the people of the whole province served. In five years, this courageous, dynamic, innovative, excellent government is going to get it up to four per cent. Is that not amazing?

K-Tel would not be able to sell that. Nobody would expect to be suddenly inundated by perfectly sliced onions if he were counting on this government to do it.

The minister's boast is that she likes to work co-operatively, she likes to bring people together. That is her style and that is the style of this government.

Well, the government certainly does bring people together. Out here on the steps of the Legislature people are coming together day after day. For instance, they come out there and they demand the Minister of Health's resignation. That is how successful the Ministry of Health is at bringing people together.

1720

As far as I am concerned, and as far as I can tell, there is not one group of health care professionals that this government has not managed to offend; and that is quite a record. The pharmacists feel that they are not dealing in good

faith. The optometrists feel they are not dealing in good faith. The physicians feel they are not dealing in good faith. The nurses feel they are not dealing in good faith. The Progressive Conservatives feel they are not dealing in good faith, although what profession it is they practise I cannot tell.

**Mr. Breaugh:** It's the oldest.

**Mr. Reville:** The oldest profession.

**Mr. Villeneuve:** Listen to who's talking.

**Mr. Reville:** I cannot understand why the minister will not lighten up. There was a little bit of levity there.

There are some problems in the health care system that are clearly not of the making of the Minister of Health. It is not her fault exactly that our population is ageing. It is not her fault that she inherited a health care system designed by my colleagues to my physical left and my ideological right—

**Mr. Faubert:** That's a linear analogy.

**Mr. R. F. Johnston:** You're losing Faubert again.

**Mr. Reville:** —which in fact was a health care system that was built on some basic and incorrect principles, that the best way to deliver health care was—

**Mr. R. F. Johnston:** We'll send explanatory notes.

**An hon. member:** He gets lost with the Lord's Prayer.

**Mr. Reville:** Actually, they used to have pictures at Metro council and at Scarborough city council, and that may be the problem here. The pictures are not quite as visible.

We, this province, this government, inherited a health care system that was institutionally based and that was designed around the interests and the needs of physicians. We have created a system—if members want an analogy I can kind of paint a word picture here—where we have a kind of a nest and in the nest are some little baby birds and, if you will, the Minister of Health is the mother bird. The mother bird, of course, flies—

**Mr. Campbell:** There are seagulls on this side.

Interjections.

**Mr. Reville:** I think I will be all right with this; I am not sure.

**Mr. Breaugh:** I think you're in trouble with this.

**Mr. Reville:** There are a number of little baby birds in this health care nest.



**Mr. Faubert:** They're quacks.

**Mr. Reville:** No, these eggs have hatched and there are little baby birds with their mouths open like this, and they are all going squeak, squeak, squeak.

**Mr. Breagh:** Now you're talking about Faubert again.

**Mr. Reville:** Right. And the mother bird comes back to the nest and she has a big juicy worm. The worm is \$12.7 billion.

There are two little birds in the nest that are especially hungry and especially loud. The one little bird is called the Ontario Medical Association and the other little bird is called the Ontario Hospital Association, and between those two birds they gobble up almost all the worm that the mother robin is hanging down over the nest.

So there is just this little tiny stub of worm left to do all of the other things that our health care system needs to have done. There is just a crumb of worm left to do any public health. There is practically a smell of worm left to do health promotion and prevention.

There is quite a big piece of worm left to do the Ontario drug benefit plan. That worm goes a little bit further because it has been injected with steroids, I think. That is one of the problems with that worm.

This homely analogy that I have offered, I have had it checked. It works at the grade 2 level and that is why I chose it particularly today, because I did not want anybody to go away not understanding what my windup was about.

The Minister of Health is correct when she says that we have to rebalance this health care system in the province and that we have to change the ministry of illness and the ministry of institutions into the Ministry of Health.

If we think about what health is, it is the ability of an organism to adapt to its changing environment. We do not have a system that does help that organism adapt particularly well. We have a system that is awfully good at dealing with trauma and with illness, with fixing the organism when it is in some kind of distress, but we do not have a system that is at all good at helping that organism adapt to all the changes it must adapt to in our society.

Therein lies the problem this ministry must grapple with, the problem this government must grapple with. Although they have managed to master the words to describe the process which must be undertaken, and although they repeat those words almost as if by repeating them it will come true, we know that very little movement is to be seen in terms of changing the focus of our

health care system from a concentration on illness to a concentration on wellness.

Until that happens, we are going to continue to have crises in the system over which this minister presides. She is going to spend her time running from fire to fire trying to put them out, and she will not be able to put them out because, of course, we cannot get the water bombers into the hangar.

Although some of my remarks have been couched in some levity, this is not something we can afford to be frivolous about, because there are people now who are very much at risk because our system cannot respond in an appropriate and timely fashion. There are people in the province who are at risk because the promise of quality care as close to home as possible is not a promise that is going to be delivered for them. It seems to me that if there was one thing all the people in this country agreed on, if there was one thing that dominated the concern about free trade, it was the concern that we must at all costs protect the kind of promise of good health we made to each other in this country. Until we see more results, the New Democratic Party has no confidence in this government.

**Mr. Brandt:** In moving a motion of nonconfidence, I want the minister and the members of the government to know that we did not do so without a great deal of discussion and debate and very careful and sensitive thought within our party. If one were to read the motion of nonconfidence, and I would urge the members to do so and read it very carefully, I think one would see articulated in that motion a very clear position on the concerns we have in our party with respect to what we consider to be a crisis in health care.

The word "crisis" is not a word that comes particularly easily to me, because it implies a very rapid deterioration and problems that are perhaps almost out of hand in terms of the government's ability to control those particular problems. But if I were to sum up very quickly the feelings of our party and myself personally in connection with why we are having this motion of nonconfidence debated, it is probably the last sentence of the motion, and if one were to read nothing else but that last sentence, one would sum up in some context the very strong feelings we have; that is, "systematic attempts to blame everyone else for the problems in the health care system."

Blaming others, blaming the practitioners, the professionals and the institutions that are involved in the delivery of health care in the

province is not going to correct the problem. The first thing I learned about correcting a problem is to admit that you have a problem. The first thing I could suggest to the members of the government is that, if they want to correct a crisis, then at least they should admit that they have a crisis on their hands.

1730

**Mr. Smith:** We don't have a crisis on our hands.

**Mr. Brandt:** The member for Lambton says they do not have a crisis on their hands. I would be happy to share with him the address of Mrs. Gaccioli's family. I would like him to visit them and talk to them about the delivery of health care in Ontario. I am sorry the member raised that particular matter, because we do have a crisis when people die waiting for heart surgery.

Let me talk to members about what I consider to be the lack of confidence that people have in the way in which this system is unfolding. We on this side of the House see the cost of health care rising at a very dramatic rate while at the self-same time, as a result of the lack of co-ordination of programs, bad management or poor administration, we see beds closing, we see waiting lists getting longer and we see more and more health professionals becoming more and more frustrated with the system.

The two should not go hand in hand, I would suggest to members of the Legislature. If you are putting more money into the system, you should expect to get more out of it. There are some inefficiencies and some problems that have to be addressed, and in the few short minutes that we have to talk about this most costly of all programs that is delivered by the province, I hope to touch on a few of those.

What are the health professionals saying? In a question that I raised with the Minister of Health today, I indicated to her that the Ontario Chiropractic Association is saying there is significant legislation that is going to impact on its profession and many changes that are being made without warning and without consultation. Those are not my words or the words of an opposition politician, but the words of practitioners in the health field.

The Ontario Nurses' Association is saying there seems to be a lack of interest on the part of the minister in being part of the solution to resolve nursing problems. As for the Ontario Medical Association, I need not tell members what the doctors have said with respect to their lost confidence in the way in which programs are being delivered in Ontario at the moment and the

manner in which the Ministry of Health has dealt with their profession.

I also heard the critic for Health in the official opposition talk about the birds and the nest and the doctors' interest in grabbing a larger share of the worm, if I can paraphrase him as accurately as possible. Certainly doctors do take a fairly large share of the revenues that are provided through the delivery of health services in Ontario. I do not take issue with that at all, but they are a very necessary, important and critical component of the delivery of health care. Personally, I want to have the most competent physician I can afford look after my needs and I think everyone in Ontario feels the same way.

The health care providers in this province, those who are on the front lines, the nurses and the doctors and many other practitioners, simply do not feel that they should be berated, that they should be put down and that they should be made to appear to be interested only in the financial aspects of their profession when they truly are interested in delivering first-class health to the citizens of this province. They are part of what I consider to be the co-operative mechanism that this province needs to deliver health services effectively.

We have heard on many occasions that the system has to be open and it has to be accessible. Those are easy words to say and very difficult words to deliver on, because the system is open and accessible when you can get to the system; that is what an open, accessible system is all about.

Back in 1984 when I sat with my colleagues in cabinet and we were talking about three-month waiting lists for heart surgery, I felt sick in the pit of my stomach that people would be out there worried about being able to survive for a 90-day period when in fact the services were not available to them and there was a three-month waiting period.

**Mr. Black:** Why didn't you do something about it in 1984?

**Mr. Brandt:** I hear one of the government members say, "Why didn't you do something about it?" We were trying to, but what we did was far more effective than what the Liberals did. We did not drive the waiting lists from three months to six months. We did not have the kind of frustration on the part of patients waiting to get heart surgery today who are forced to go to the United States or other jurisdictions for surgery because it is unavailable in Ontario.

When someone's health is at stake, he will go to whatever ends are necessary in order to acquire



that essential surgery, that essential service. The fact of the matter is that that particular service is not available within a reasonable time frame any more in the province of Ontario.

It is not acceptable to me that patients on waiting lists are dying. I have at least one within the past couple of weeks in my own constituency. There are very few members of this Legislature who have not had calls from heart patients who are concerned about getting access to the system.

I want to talk for a moment about hospital funding as well, because we have had increases, as the minister has indicated, in budget allocations for hospitals. At the self-same time, we have beds closing. Surely that should raise some questions on the part of members of the government when they see more money being poured into the system at the same time as we are getting a reduced level of service and we are getting fewer beds. Some 1,500 beds across this province were shut down over the past while, either temporarily or permanently, because of the lack of funding to hospitals and because of problems that hospitals have clearly identified for the minister.

In addition to the funding problems that some hospitals have had, we also have the difficulty of being able to provide an adequate number of nurses for those hospitals. Beds are being shut down because we cannot provide adequate staff to look after the number of beds we have in the system today. In fact, it has reached such crisis proportions that some 600 to 700 nurses a year, by the estimates of the Ontario Nurses' Association, are leaving the profession. Over the next decade, it is anticipated that some 6,000 nurses will leave Ontario because of their frustration with the system.

How can that be corrected? I am going to give the minister some suggestions and I hope she will take them in a constructively critical way. I am not simply going to talk about more money; I am going to talk about some co-operative adjustments that I believe can be made within the system that will make the system work better and more effectively for nurses and patients.

One of the things is the pay problem. There are certain levels of service that nurses provide, certain levels of education and training they have received, that justify some adjustment in their pay; but that is not the only problem, that is not the only difficulty that nurses face.

There is the problem of scheduling. There are many nurses who have indicated very clearly that the difficulty they have with the system is the lack of flexibility in providing them with

working schedules that they can live with and that will allow them in some instances to raise a family or to be able to adjust to their husbands' work schedules or whatever. That is not built into the system. They are being given almost an autocratic kind of decision with respect to their working hours.

Second, nurses are independent, well-trained professionals and the responsibilities they carry today are extremely important to the system. We belittle the profession of nursing, my friends, when fully 30 per cent of a nurse's time when she is on duty is spent doing things other than what she has been trained to do. I am talking about everything from bookkeeping to telephone reception to orderly kinds of responsibilities; needed services but not services that obviously need to be performed by nurses.

#### 1740

I say to my friends that nurses are angry about those things, they want them corrected; and they are not all going to take very large sums of money in order to correct.

As a result of these problems, and there are others that we could talk about, we have a seven per cent shortage of nurses in Toronto, we have about a four per cent shortage of nurses on a province-wide basis and we are faced with a situation that is unique in the history of this province. We have nurses moving to the United States and we have patients going to the United States, both in increasing numbers. It is simply not acceptable when the government has professional practitioners like nurses deciding to vote with their feet and go to the US and patients who cannot receive service going to the US as well.

I do not think it is any credit to the so-called world-class health system that we are supposed to have here in Ontario when over 200 patients had to go to the United States to receive heart surgery. That is simply not acceptable to the members of my party.

What is going to happen in the future? Is the situation going to get better? I am going to tell members what is going to happen in the future. We are going to have, over the course of the next decade, approximately a 50 per cent increase in the elderly, those over 65, who require three to four times as much health care as those under the age of 65. We have to have in place a health delivery system that is going to accommodate that tremendous influx of new people who are going to require health services. This government is not prepared for that kind of problem and it must make those preparations today to be ready

for it in the not-too-distant future when it truly impacts on the system.

What about the response by the government that it is going to de-emphasize institutional care and in fact improve on community-based facilities? I agree and the members of my party agree. If we can deliver health services more efficiently, if we can save some dollars by providing an adequate level of health care, I am totally in favour of that, and we have no reservations about providing for the government our support in that respect.

But the government has to put one in place before it removes the other. It cannot shut down beds on the one hand, without having the necessary community-based or in-home programs for many of these individuals who require that type of service on the other hand, unless it does it in a co-ordinated, and I might say intelligent, fashion.

I cite for an example to the members of the government the problem that we had in the home care program that is delivered by the Ministry of Community and Social Services. We had to fight day after day to get some home care funding to cover the deficit of the Red Cross Society, which looks after some 180,000 primarily elderly patients who are in their own homes and therefore not taking up very expensive hospital beds.

I suggest that there is a very real lack of co-ordination in some of the community-based programs that the minister intends to emphasize as a way of reducing cost. I indicated in her absence that I was totally in favour of emphasizing and placing more emphasis on those types of programs. I think that is a step in the right direction.

But I also think that before she removes the institutional-type care and cuts back on some of those programs, she has to have the others well co-ordinated and well in place; and perhaps spend a little bit of time talking to the Ministry of Community and Social Services about the rationalization of service delivery between the two ministries, which I realize is very complex and very difficult but has to be done.

I want to say that quality health care, from the standpoint of our party, means accessible health care. Just as in law justice delayed is justice denied, health delayed is health denied. In terms of a quality health care system, it means reducing those six-month waiting lists for heart surgery. It means we should move towards a system of delivery where people are not afraid they are

going to die before they can get into an operating room and have their cares looked after.

What has the minister's response been to some of these problems? When the nurses demonstrated out in front of Queen's Park, one of the nurses was speaking to the minister herself and the minister was quoted as saying—

**Hon. Mrs. Caplan:** I did not say that.

**Mr. Brandt:** All right; then I will not quote her as having said that. She knows the quote well.

I will give her another quote: "The minister has, in fact, accused doctors of performing unnecessary, ineffective and potentially harmful procedures." That quote came directly from Dr. Gasmann who indicated—

**Hon. Mrs. Caplan:** Studies and tests; not me personally. Documented research; not my study and statement.

**Mr. Brandt:** Those studies came from jurisdictions other than Ontario and they were produced by the minister by way of evidence to discredit the medical profession, and I think that is totally unnecessary.

**Hon. Mrs. Caplan:** I will give you the studies, studies in Ontario. That is ridiculous.

**Mr. Brandt:** Does the minister agree with the studies? She should indicate what her position is because she certainly shared them with this House as though that were one of the ways to reduce health costs in the province.

It is not only our party that is talking about a crisis. Dr. Gasmann has said the crisis is real. He has also said it is going to take more than money to clear up the problems. Here is what the president of the Ontario Medical Association said, which I think the minister should listen to very carefully. He said it is going to take the co-operation of everyone involved and an admission that our system is in crisis.

That is what our motion speaks to today, a system that is in crisis. If the minister does not believe that, she is not going to correct the problem. She thinks all is well and that pointing her finger at others who are working in the system is going to correct the problems. It is not.

A system is in crisis when you have waiting lists. A system is in crisis when you have frustrated professionals. A system is in crisis when you have serious problems in the availability of adequate care in the north. A system is in crisis when you have hospitals with critical funding problems. A system is in crisis when you have nurses leaving the profession. A system is



in crisis when patients are going to the United States for care.

That is what we are talking about in this debate today and why we have placed a motion of nonconfidence in the government. Sure, it is going to require—

**Mr. Fleet:** That's a lot of—

Interjections.

**Mr. Brandt:** Well, some of the members say that is a lot of—

**Mr. Fleet:** Nonsense.

**Mr. Brandt:** Whatever the member said, I will not repeat it.

It will take more than money. In the few seconds left to me, let me appeal to the minister to sit down with the health providers in this province, and instead of a confrontational attitude to take a co-operative attitude. She says she does that but she has split off professional against professional. She has pitted one group against another. It will not work.

She has to bring the providers together and work out a co-operative program of delivering health services in this province. She has not done it and that is why we have a crisis in health care and that is why we have a lack of confidence in the government.

**Mr. Speaker:** That completes the allotted time for debate under standing order 70.

1755

The House divided on Mr. Brandt's motion, which was negated on the following vote:

#### Ayes

Allen, Brandt, Breugh, Bryden, Charlton, Cooke, D. S., Cousens, Cunningham, Eves, Farnan, Grier, Hampton, Harris, Jackson, Johnson, J. M., Johnston, R. F., Kormos, Mackenzie, Martel, McCague, McLean, Morin-

Strom, Philip, E., Pollock, Pouliot, Reville, Runciman, Sterling, Villeneuve, Wildman.

#### Nays

Beer, Black, Bossy, Bradley, Campbell, Caplan, Carrothers, Cleary, Collins, Conway, Cordiano, Dietsch, Eakins, Elliot, Elston, Faubert, Ferraro, Fleet, Fontaine, Fulton, Furlong, Grandmaître, Haggerty, Hošek, Kerrio, Kozyra, LeBourdais, Leone, Lupusella, MacDonald, Mahoney, Matrundola, McClelland, McGuigan, McLeod, Miller, Morin, Neumann, Nicholas, Nixon, J. B., Nixon, R. F., O'Neil, H., Oddie Munro, Patten, Peterson, Phillips, G., Poole, Ramsay, Ray, M. C., Reycraft, Riddell, Roberts, Scott, Smith, D. W., Smith, E. J., Sola, Sorbara, Sullivan, Tatham, Velshi, Wong, Wrye.

Ayes 30; nays 62.

Interjections.

**Mr. Speaker:** I remind members the debate closed some time ago.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** Just for the interest of members, who I know are very anxious to know what we are going to do tomorrow, in the morning we will do the private members' business standing in the names of the member for Brampton South (Mr. Callahan) and the member for Northumberland (Mrs. Fawcett).

Tomorrow afternoon, following question period, we will do second reading of the Water Transfer Control Act; and following that, time permitting, second reading of Bill 194, An Act to restrict Smoking in Workplaces, I say to my friend the member for Carleton (Mr. Sterling).

The House adjourned at 6 p.m.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in  
 each issue. Lists of the members of the executive  
 council, parliamentary assistants and members  
 of committees, brought up to date as necessary,  
 are published in Hansard in the first and last  
 issues of each session and on the first sitting day  
 of each month.

## CONTENTS

**Wednesday, February 8, 1989**

### Members' statements

Northern health services, Mr. Morin-Strom . . . . .	8013
Assistance for the disabled, Mr. Jackson . . . . .	8013
Waste management, Mr. Tatham . . . . .	8013
Northern health services, Miss Martel . . . . .	8014
Funding of social service agencies, Mr. Villeneuve . . . . .	8014
Gloucester Police, Mr. Morin . . . . .	8014
Overcrowding in schools, Mr. Cousens . . . . .	8015

### Statement by the ministry

Acid rain, Hon. Mr. Peterson . . . . .	8015
--	------

### Responses

Acid rain, Mr. B. Rae, Mr. Brandt, Mrs. Marland . . . . .	8016
---	------

### Oral questions/Questions orales

Group homes, Mr. B. Rae, Hon. Mr. Sweeney . . . . .	8018
Northern health services, Mr. B. Rae, Hon. Mrs. Caplan, Mr. Pouliot . . . . .	8019
Health services, Mr. Brandt, Hon. Mrs. Caplan . . . . .	8020
Hospital services, Mr. Eves, Hon. Mrs. Caplan . . . . .	8021
Northern health services, Mr. Reville, Hon. Mrs. Caplan, Mr. Wildman . . . . .	8022
Services de santé dans le Nord, M. Reville, l'hon. Mme Caplan, M. Wildman . . . . .	8022
Lithotripsy, Mr. Eves, Hon. Mrs. Caplan . . . . .	8022
Infrastructure renewal, Mr. Daigeler, Hon. R. F. Nixon . . . . .	8023
Assistive devices program, Mr. Wildman, Hon. Mrs. Caplan, Mr. Reville . . . . .	8024
Transit services, Mr. Cousens, Hon. Mr. Fulton . . . . .	8024
Environmental protection, Mr. Fleet, Hon. R. F. Nixon . . . . .	8025
Northern health services, Mr. Morin-Strom, Hon. Mrs. Caplan, Miss Martel . . . . .	8026
Workers' compensation, Mr. Pope, Hon. Mr. Sorbara . . . . .	8026
Liquor licence, Ms. Collins, Hon. Mr. Wrye . . . . .	8027
Northern health travel grant program, Mr. Pouliot, Hon. Mrs. Caplan, Mr. Reville . . . . .	8028
Group homes, Mrs. Cunningham, Hon. Mr. Sweeney . . . . .	8029

### Petitions

Teachers' superannuation, Mr. McCague, tabled . . . . .	8029
York region land development, Mr. Cousens, tabled . . . . .	8030
Hospital services, Mr. McLean, tabled . . . . .	8030
Automobile insurance, Miss Martel, tabled . . . . .	8030
Abandoned rail lines, Mr. Pollock, tabled . . . . .	8030

### Report by committee

Standing committee on regulations and private bills, Mr. Furlong, agreed to . . . . .	8030
---	------

### First readings

City of London Act, Bill Pr74, Mrs. Cunningham, agreed to . . . . .	8031
Landlord and Tenant Amendment Act, Bill 217, Ms. Bryden, agreed to . . . . .	8031



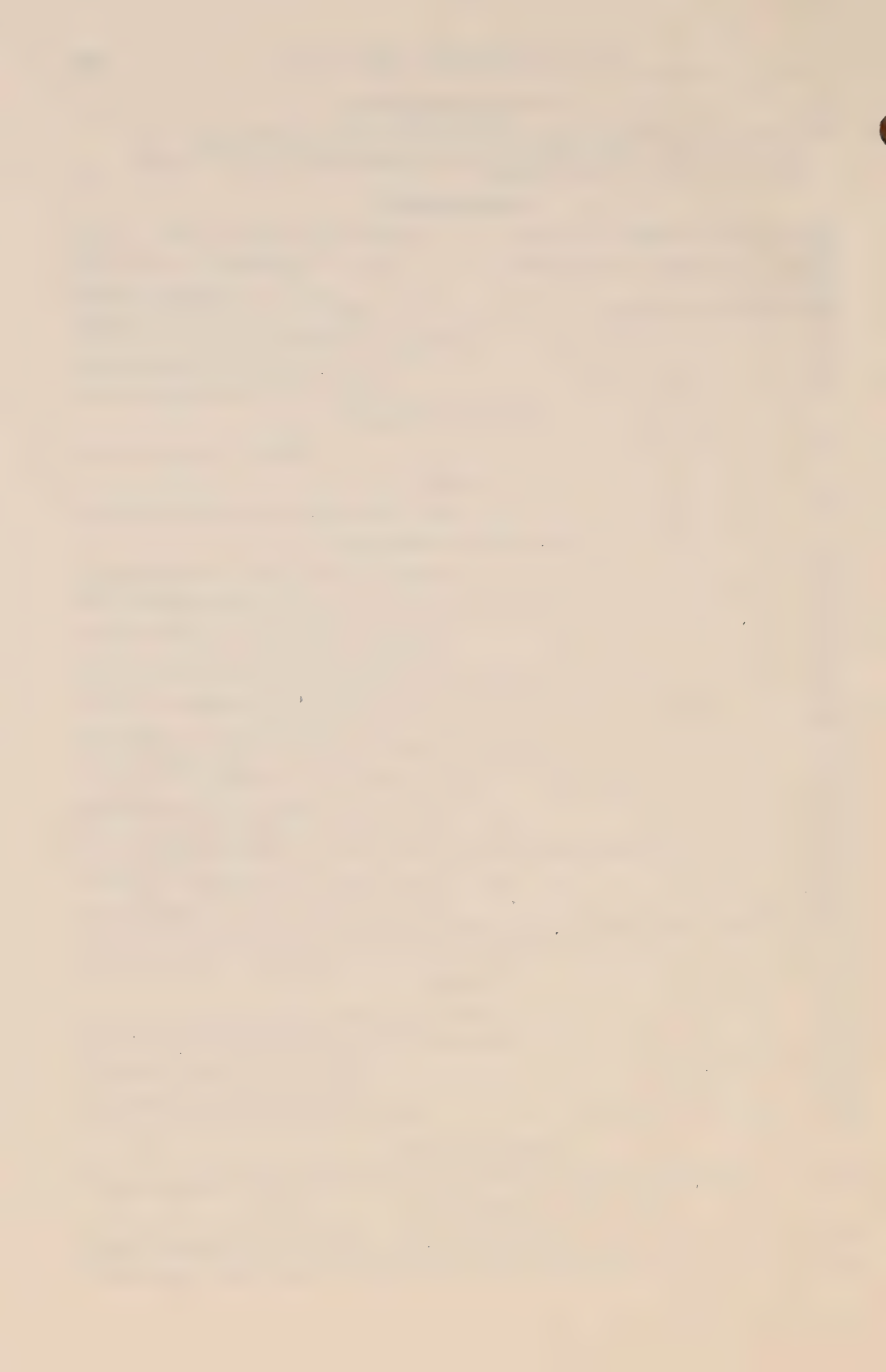
---

**Motion of nonconfidence**

<b>Health services</b> , nonconfidence motion 4, Mr. Brandt, Mr. Eves, Mr. Campbell, Mr. B. Rae, Mr. Jackson, Ms. Collins, Miss Martel, Mr. Runciman, Mr. Morin, Mr. Neumann, Hon. Mrs. Caplan, Mr. Reville, negatived. . . . .	8031
---	------

**Other business**

<b>Voting by private members</b> , Mr. Harris. . . . .	8029
<b>Business of the House</b> , Hon. Mr. Conway . . . . .	8059
<b>Adjournment</b> . . . . .	8059
<b>Alphabetical list of members</b> . . . . .	8060























NOV 08 1989



